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Briefings on How To Use the Federal Register
For information on briefings in Salt Lake City, UT, Washington, DC, and Boston, MA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

SALT LAKE CITY, UT

WHEN: March 29, at 9:00 a.m.
WHERE: State Office Building Auditorium, Capitol Hill, Salt Lake City, UT.
RESERVATIONS: Call the Utah Department of Administrative Services, 801–538–3010.

WASHINGTON, DC

WHEN: March 29, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.

BOSTON, MA

WHEN: April 16, at 9:00 a.m.
WHERE: Thomas P. O'Neill Federal Building Auditorium, 10 Causeway Street, Boston, MA.
RESERVATIONS: Call the Boston Federal Information Center, 617–565–8129

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Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
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Presidential Documents

Title 3—

The President

Presidential Determination No. 90–12 of February 28, 1990

Certifications for Major Narcotics Source and Transit Countries

Memorandum for the Secretary of State

By virtue of the authority vested in me by Section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, as amended by the Anti-Drug Abuse Act of 1986 (P.L. 99–570), the Anti–Drug Abuse Act of 1988 (P.L. 100–690), and the International Narcotics Control Act of 1989 (P.L. 101–231), 22 U.S.C. 2291(h)(2)(A)(i), I hereby determine and certify that the following major narcotics producing and/or major narcotics transit countries/area have cooperated fully with the United States, or taken adequate steps on their own, to control narcotics production, trafficking and money laundering:

The Bahamas, Belize, Bolivia, Brazil, Colombia, Ecuador, Hong Kong, India, Jamaica, Laos, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Panama, Paraguay, Peru and Thailand.

By virtue of the authority vested in me by Section 481(h)(2)(A)(ii) of the Act, I hereby determine that it is in the vital national interests of the United States to certify the following country:

Lebanon.

Information for this country as required under Section 481(h)(2)(B) of the Act is enclosed.

I have determined that the following major producing and/or major transit countries do not meet the standards set forth in Section 481(h)(2)(A):

Afghanistan, Burma, Iran and Syria.

In making these determinations, I have considered the factors set forth in Section 481(h)(3) of the Act, based on the information contained in the International Narcotics Control Strategy Report of 1990.

You are hereby authorized and directed to report this determination to the Congress immediately, and simultaneously to transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate the report required by section 481(e) of the Act for 1990. This memorandum shall be published in the **Federal Register.**

George Bush

THE WHITE HOUSE,
Washington, February 28, 1990.

[FR Doc. 90–6717
Filed 3–20–90; 4:07 pm]
Billing code 3195–01–M

Editorial note: For the statement by the White House Press Secretary on the narcotics control certifications, see the *Weekly Compilation of Presidential Documents* (vol. 26, p. 347).

Rules and Regulations

Federal Register
Vol. 55, No. 56
Thursday, March 22, 1990

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-257-AD; Amendment 39-6553]

Airworthiness Directives; British Aerospace Model BAe-146 Series Airplanes on Which Modification HCM50075A, B, and C Have Been Incorporated

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to British Aerospace Model BAe-146 series airplanes, which requires an inspection of the quick-disconnect couplings in the yellow and auxiliary systems hydraulic lines to the wheel brake units to ensure all couplings are fully tightened, and retightening and securing of the quick-disconnect couplings. This amendment is prompted by reports that in-service airplanes were found to have loose quick-disconnect couplings. This condition, if not corrected, could result in hydraulic fluid becoming isolated in the brake unit, and subsequent brake drag or loss of braking on the associated wheel brake unit.

EFFECTIVE DATE: April 30, 1990.

ADDRESSES: The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68996, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model BAe 146 series airplanes, which requires an inspection of the quick-disconnect couplings in the yellow and auxiliary systems hydraulic lines to the wheel brake units to ensure all couplings are fully tightened, and retightening and securing of the quick-disconnect couplings, was published in the Federal Register on January 4, 1990 (55 FR 307).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 61 airplanes of U.S. registry will be affected by this AD, that it will take approximately one-half manhour per airplane to accomplish the required actions, and that the average labor cost wil be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,220.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federal Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority. 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace, PLC: Applies to Model BAe-146 series airplanes, on which Modification HCM50075A, B, and C have been incorporated, certificated in any category. Compliance is required within 30 days after the effective date of this AD, unless previously accomplished.

To prevent brake drag or complete loss of braking, accomplish the following:

A. Inspect the quick-disconnect couplings in the yellow and auxiliary systems hydraulic lines to the wheel brake units on the left and right main landing gear for tightness, retighten to finger-tight torque, and secure the quick-disconnect couplings with a corrosion-resistant steel lockwire, in accordance with British Aerospace Service Bulletin 32-A101, dated September 1, 1989.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the

appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 30, 1990.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6482 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-220-AD; Amendment 39-6552]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A300 series airplanes, which requires repetitive ultrasonic inspections to detect cracks in the front and rear spar bottom boom inboard and outboard of Rib 9, and repair, if necessary. This amendment is prompted by fatigue testing by the manufacturer, which revealed cracks emanating from bolt holes inboard and outbard of Rib 9 on the front and rear spar bottom booms. This condition, if not corrected, could lead to reduced structural capability of the wings.

EFFECTIVE DATE: April 30, 1990.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM-113; telephone (206) 431-1918. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Airbus Industrie Model A300 series airplanes, which requires repetitive ultrasonic inspections to detect cracks in the front and rear spar bottom boom inboard and outboard of Rib 9, and repair, if necessary, was published in the **Federal Register** on December 6, 1989 (54 FR 50410).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The commenters recommended that the FAA withdraw the proposal because the provisions of the proposed rule are included in the Supplemental Structural Inspection Program (SSIP). The FAA does not concur. The FAA acknowledges that the service bulletin is a part of the SSIP; however, when the Notice was issued, the SSIP document was under preparation and its date of issuance was not known. Now that the SSIP has been issued, the FAA may consider further, separate rulemaking to address it. Since some operators may currently have airplanes which are approaching the specified number of cycles where the actions described in the service bulletin are necessary, the FAA has determined that it is appropriate to proceed with this rulemaking to require those actions.

After careful review of available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 66 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $36,960.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie. Applies to Model A300 series airplanes, as listed in Airbus Industrie Service Bulletin A300-57-152, dated November 30, 1988, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural capability of the wing, accomplish the following:

A. Perform an ultrasonic inspection of the front and rear spar bottom boom inboard and outboard of Rib 9, in accordance with Airbus Industrie Service Bulletin A300-57-152, dated November 30, 1988.

1. Perform the initial and repetitive inspections as follows:

a. For airplanes that have accumulated less than 22,000 landings, perform the initial inspection prior to the accumulation of 24,000 landings. Repeat the inspection at intervals not to exceed 9,000 landings.

b. For airplanes that have accumulated 22,000 or more landings but less than 27,000, perform the initial inspection within 2,000 landings after the effective date of this AD. Repeat the inspection at intervals not to exceed 9,000 landings.

c. For airplanes that have accumulated 27,000 or more landings, perform the initial inspection within 1,000 landings after the effective date of this AD. Repeat the inspection at intervals not to exceed 9,000 landings.

2. If cracks are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA,

Northwest Mountain Region. Repetitive inspections must be conducted thereafter in accordance with paragraph A.1., above.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 30, 1990.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6483 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-204-AD; Amendment 39-6551]

Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, and -30 Series Airplanes Equipped with a Non-ventral Aft Pressure Bulkhead

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-10, -20, and -30 series airplanes, which requires more explicit aft pressure bulkhead emergency exit (tailcone exit hatch) opening instructions to be displayed on the aft side of the exit hatch. This amendment is prompted by a report of an incident in which passenger evacuation through the aft pressure bulkhead emergency exit was delayed because the opening instructions on the outside of the exit were inadequate. This condition, if not corrected, could result in delayed passenger evacuation during an emergency situation.

EFFECTIVE DATE: April 30, 1990.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90801, Attention: Director of Publications, C1-L00 (54-60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. Razzeto, Aerospace Engineer, Los Angeles Aircraft Certification Office, Systems and Equipment Branch, ANM-131L, FAA, Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5355.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to McDonnell Douglas Model DC-9-10, -20, and -30 series airplanes, which requires more explicit aft pressure bulkhead emergency exit (tailcone exit hatch) opening instructions to be displayed on the aft side of the exit hatch, was published in the **Federal Register** on November 3, 1989 (54 FR 46402).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the three comments received.

Two commenters concurred with the proposed rulemaking.

The third commenter requested that the final rule be worded to be applicable only to passenger configuration aircraft because the tailcone exit is not required by the Federal Aviation Regulations (FAR) for airplanes operating in an all-cargo configuration. The FAA concurs. The final rule has been revised to address airplanes operating in the all-cargo configuration.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 260 Model DC-9-10, -20, and -30 series airplanes of the affected design in the worldwide fleet. It is estimated that 183 airplanes of U.S. registry will be affected by this AD, that it will take approximately 0.5 manhour per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Each airplane will require one placard, at an estimated cost of $29 per placard. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,967.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to Model DC-9-10, -20, and -30 series airplanes, equipped with a non-ventral aft pressure bulkhead; as listed in McDonnell Douglas Service Bulletin 52-167, dated August 31, 1989; operating in a passenger or passenger/cargo configuration; certificated in any category. Compliance required as indicated, unless previously accomplished.

Note.—The requirements of this AD become applicable at the time an all-cargo configuration is converted to a passenger or passenger/cargo configuration.

To prevent delayed passenger evacuation through the aft pressure bulkhead emergency exit during an emergency evacuation, accomplish the following:

A. Within three months after the effective date of this AD, install a placard with exit opening instructions, in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin 52-167, dated August 31, 1989.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90801, ATTN: Director of Publications, Cl-L00 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment becomes effective April 30, 1990.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6484 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-229-AD; Amendment 39-6550]

Airworthiness Directives; British Aerospace Model BAe 146-100A, -200A, and -300A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146-100A, -200A, and -300A series airplanes, which requires installation of a warning placard on a shelf beneath the flap electronic control unit (ECU), stating that the equipment must not be removed or re-racked in flight, and a placard on the circuit breaker panel, stating that circuit breakers must not be pulled in flight. This amendment is prompted by reports of flight crews removing or re-racking the flap system ECU or pulling associated circuit breakers while in flight, which could result in in-flight failure of the flap ECU. This condition, if not corrected, could result in loss of wing flaps' asymmetry protection and would adversely affect airplane controllability.

EFFECTIVE DATE: April 30, 1990.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model BAe 146-100A, -200A, and -300A series airplanes, which requires installation of a warning placard on a shelf beneath the flap electronic control unit (ECU), stating that the equipment must not be removed or re-racked in flight, and a placard on the circuit breaker panel, stating that circuit breakers must not be pulled in flight, was published in the **Federal Register** on January 4, 1990 (55 FR 309).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 61 airplanes of U.S. registry will be affected by this AD, that it will take approximately one manhour per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The estimated cost for the required placards is $27. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,087.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe 146-100A series airplanes, Serial Numbers E1002 through E1100, E1102, and E1103; Model BAe 146-200A series airplanes, Serial Numbers E2012 through E2113, E2115 and E2118; and Model BAe 146-300A series airplanes, Serial Numbers E3118 through E3123 and E3125; certificated in any category. Compliance is required within 30 days after the effective date of this AD, unless previously accomplished.

To prevent loss of asymmetry protection and loss of airplane controllability, accomplish the following:

A. Install a warning placard on shelf No. 5 beneath the flap computer, in accordance with British Aerospace Service Bulletin 11-36-01104A&B, dated May 10, 1989, stating:

Warning—This Equipment Must Not Be Removed or Re-Racked in Flight

B. Install a warning placard on circuit breaker panel 131-11-00, in accordance with British Aerospace Service Bulletin 11-36-01104A&B, dated May 10, 1989, stating:

Warning—C/Breakers Must Not Be Pulled in Flight

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 30, 1990.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6485 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-201-AD; Amendment 39-6549]

Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped With Pratt and Whitney JT9D Series Engines or General Electric CF6-80A Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects the service information identification specified in the applicability statement of Airworthiness Directive (AD) 89-21-04, Amendment 39-6349. The AD is applicable to certain Boeing Model 767 series airplanes and requires modifications to the electromagnetic protection shielding of the wires to the engine electronic controls. There are no other changes to the AD.

DATES: This correction is effective March 22, 1990.

The effective date for the requirements of this amendment remains November 8, 1989, as specified in Amendment 39-6349.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Bernardo M. Gonzalez, Propulsion Branch, ANM-140S; telephone (206) 431-1964. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On September 22, 1989, the FAA issued Airworthiness Directive (AD) 89-21-04, Amendment 39-6349, applicable to certain Boeing Model 767 series airplanes, which requires modifications to the electromagnetic protection shielding of the wires to the engine electronic controls, in accordance with Boeing Service Bulletin 767-71-0041, dated September 22, 1988; Revision 1, dated April 6, 1989; or Revision 2, dated June 29, 1989.

When the final rule was published in the **Federal Register** on October 3, 1989 (54 FR 40637), the number of the Boeing Service Bulletin specifying the applicable airplanes was incorrectly cited as "767-76-0041" in the applicability statement. This action corrects the Boeing Service Bulletin number to "767-71-0041" in the applicability statement of the rule to clarify that airplanes listed in that service bulletin are subject to the requirements of the rule. All other references to the service bulletin in the final rule were correctly cited. Additionally, the service bulletin number was correctly cited in the applicability statement of the Notice of Proposed Rulemaking which preceded issuance of the final rule.

Since this action only corrects a typographical error in a final rule, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the **Federal Register.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by correcting the applicability statement of AD 89-21-04, Amendment 39-6349 (54 FR 40637; October 3, 1989), as follows:

Boeing: Applies to Model 767 series airplanes, equipped with Pratt and Whitney JT9D series engines or General Electric CF6-80A series engines, specified in Boeing Service Bulletin 767-71-0041, dated September 22, 1988, certificated in any category. Compliance required within 15 months after the effective date of this AD, unless previously accomplished.

To minimize the potential for a thrust loss greater than the loss of one engine due to a lightning strike, accomplish the following:

A. Modify the engine electrical and electronic engine control wiring in accordance with Boeing Service Bulletin 767-71-0041, dated September 22, 1988; Revision 1, dated April 6, 1989; or Revision 2, dated June 29, 1989.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Seattle Aircraft Certification office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This correction is effective March 22, 1990.

The effective date for the requirements of this amendment remains November 8, 1989, as specified in Amendment 39-6349, AD 89-21-04.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6486 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-258-AD; Amendment 39-6554]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1-11 200 and 400 series airplanes, which requires repetitive dye penetrant or eddy current inspections to detect cracks in the retraction jack attachment arm lugs on the nose landing gear housing, and repair, if necessary. This amendment is prompted by reports of collapse of the nose landing gear due to fatigue cracks in the retraction jack attachment arm lugs. The condition, if not corrected, could result in collapse of the nose landing gear.

EFFECTIVE DATE: April 30, 1990.

ADDRESSES: The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to all British Aerospace Model BAC 1-11 200 and 400 series airplanes, which requires repetitive dye penetrant or eddy current inspections to detect cracks in the retracton jack attachment arm lugs on the nose landing gear housing, and repair, if necessary, was published in the **Federal Register** on January 4, 1990 (55 FR 306).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 70 airplanes of U.S. registry will be affected by this AD, that it will take approximately one-half manhour per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,400.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to all Model BAC 1-11 200 and 400 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent collapse of the nose landing gear, accomplish the following:

A. Prior to the accumulation of 15,000 landings or within 150 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 15,000 landings, perform a dye penetrant or eddy current inspection of the lower faces of both lugs of the jack attachment arm on the nose landing gear housing over an area not less than 0.5 inch forward and aft of change in lug section, in accordance with British Aerospace Alert Service Bulletin 32-A-PM5946, Issue 1, dated April 6, 1987.

B. If cracks are found, repair or replace with a serviceable part prior to further flight, in accordance with British Aerospace Alert Service Bulletin 32-A-PM5946, Issue 1, dated April 6, 1987.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager,

Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 30, 1990.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6487 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-115-AD; Amdt. 39-6547]

Airworthiness Directives; Boeing Model 737-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-300 series airplanes, which requires as an interim action, a revision to the FAA-approved Airplane Flight Manual (AFM) to incorporate certain operational procedures to detect uncommanded changes in the altitude select window of the autopilot Mode Control Panel (MCP). This condition, if not corrected, could result in the airplane flying at an unassigned altitude.

EFFECTIVE DATE: April 27, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124; and Honeywell Incorporated, Sperry Commercial Flight Systems Group, P.O. Box 21111, Phoenix, Arizona 85036, Attn: Customer Services, Air Transport Systems Division. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Alvin Habbestad, Systems and Equipment Branch, ANM-130S, Seattle Aircraft Certification Office; telephone (206) 431-1942. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Boeing Model 737-300 series airplanes, which requires, as an interim action, incorporation of MCP operating procedures in the AFM, was published in the **Federal Register** on October 3, 1989 (54 FR 40676). The comment period closed November 3, 1989.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter requested that the compliance time be increased from 15 days, as proposed, to 60 days to allow for distribution of the AFM change and to establish the appropriate training programs. The FAA concurs that the compliance time may be increased somewhat in order that timely distribution of the AFM change may be made to affected individual operators. However, the FAA does not consider that a special training program is necessary to implement the procedures. Therefore, the final rule has been revised to reflect a compliance time of 30 days.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. This change will neither increase the economic burden on any operator nor increase the scope of the AD.

This is considered to be interim action. When the manufacturers have developed a modification that will correct the addressed problem, the FAA may consider further rulemaking on this subject.

There are approximately 313 Model 737-300 series airplane of the affected design in the worldwide fleet. It is estimated that 165 airplanes of U.S. registry will be affected by this AD, that it will require 1 manhour to incorporate the AFM revision, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,600 to make these procedures part of the AFM.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 737-300 series airplanes, equipped with Sperry Model SP300 autopilot flight control computers (FCC) and mode control panels (MCP), as listed in Boeing Alert Service Bulletin 737-22A1092, dated June 30, 1988, certificated in any category. Compliance required within 30 days after the effective date of this AD, unless previously accomplished.

To reduce the potential for nonselected changes in the autopilot mode control panel being undetected, accomplish the following:

A. Incorporate the following procedures into the FAA-approved Airplane Flight Manual (AFM), Limitations Section. This may be accomplished by inserting a copy of this AD in the AFM.

Autopilot Limitations

For airplanes with SP300 autopilot mode control panels (MCP), flightcrews must use the following procedures:

1. Check MCP settings after any electrical power interruptions.

2. Following change in ALT selection in the MCP window, check ALT display to ensure desired altitude is displayed.

3. Closely monitor altitude during all altitude changes to ensure that the autopilot captures and levels off at the desired altitude.

4. Note.—Standard "call-outs", crew coordination, and cross-checking of MCP settings and flight instruments are necessary to detect any nonselected MCP display changes.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Operations Inspector (POI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 27, 1990.

Issued in Seattle, Washington, on March 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 90-6488 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-83-AD; Amendment 39-6548]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 727 series airplanes, which requires repetitive inspections and repair, if necessary, of the inboard trailing edge flaps inboard track. This amendment is prompted by reports of corrosion and/or cracking of the flap tracks. This condition, if not corrected, could lead to failure of the flap track and possible separation of the inboard trailing edge flap.

EFFECTIVE DATE: April 27, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Kathi N. Ishimaru, Airframe Branch, ANM-120S; telephone (206) 431-1525. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 727 series airplanes, which requires inspection and repair, if necessary, of the inboard trailing edge flap inboard track, was published in the **Federal Register** as a Supplemental Notice of Proposed Rulemaking (NPRM) on November 8, 1989 (54 FR 46915).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter requested that the visual inspection interval be increased from 3,000 flight cycles or 18 months, as proposed, to 3,500 flight cycles or 24 months, so that the inspections could be accomplished at the same time as those required by the Supplemental Structural Inspection Document (SSID) inspection schedule. The FAA does not concur. It is not appropriate to compare the two inspections because the inspections are for different areas of the flap track. The SSID was based on possible cracks in the flap track lower flange, whereas this AD action is based on known cases of cracking in the upper flange. Since crack growth rates in the two areas are different, the inspection intervals must also necessarily be different.

One commenter requested the inspection for corrosion be eliminated from the initial inspection. The FAA does not concur. Since the cracking has been attributed to stress corrosion, it is imperative to establish the corrosion level.

Several commenters requested variations on the inspection threshold and method of inspection based on their existing maintenance programs. The FAA cannot concur. To incorporate all the variations requested would increase the complexity of the AD beyond a reasonable point. Operators may request an alternate means of compliance in accordance with the provisions of paragraph E. of the AD.

One commenter requested that there be no terminating modifications because corrosion may reappear after modification. The FAA disagrees. The existing repairs and modifications provide the best corrosion protection available to date. If instances of post-modification corrosion and cracking are reported, however, the FAA may consider further rulemaking action.

One operator requested that the optional inspection threshold of 12,000 flight cycles since repair, proposed in paragraphs A.2.d. and B.2.d., be eliminated because the operator did not have the records to take advantage of this compliance threshold. The FAA does not agree because other operators may have such records.

For clarity, one commenter requested that the sentence, "Repair in accordance with Figures 3 or 4 of the service bulletin terminates the repetitive inspections required by paragraph C.1.c., above," be changed to "Installation of shim or splice plate per Figures 3 or 4 of the service bulletin terminates the repetitive inspection for loose mounting bolts required by paragraph C.1.c., above." The FAA partially agrees with the comment. There are many steps involved in completing the repair in accordance with a particular Figure. It would be inaccurate to single out an item such as a shim or a splice plate because it is necessary to make sure that all steps are followed. The FAA agrees that adding the words, ". . . repetitive inspections for loose mounting bolts . . ." will help to clarify this requirement. These words have

been added to paragraphs A.2.c., B.2.c., and C.2.c. of the final rule.

One commenter requested that both the visual inspection at 3,000 flight cycle intervals and the magnetic particle inspection at 9,000 flight cycle intervals be required instead of being alternatives. The commenter suggested that this requirement would simplify record keeping. The FAA acknowledges that if an operator feels it is necessary to perform both inspections to keep orderly or more simplified records, it is free to do so. However, the FAA disagrees that both inspections should be imposed upon all operators because both inspections are not necessary.

One commenter requested that proposed paragraphs A.2.c. and B.2.c. be changed to eliminate Figures 3, 4, or 5 as terminating repairs for the mounting bolt inspections. This would leave Figure 2 as the only modification which would terminate the mounting bolt inspections. The FAA agrees. The instructions contained in Figures 3, 4, and 5 specify that it is necessary to accomplish Figure 2, which is the actual mounting bolt modification. The previously mentioned paragraphs have been changed in the final rule to eliminate the redundancy.

Several commenters requested that the rule include a provision allowing an on-wing visual inspection for flap tracks repaired with splice plates in accordance with Boeing Service Bulletin 727–57–117. The FAA disagrees with the comment. The repair in the subject service bulletin does not significantly reduce the load at the mounting bolt holes where the cracks occurred. In addition, the repair has a plate which would hide cracks at the mounting bolt holes. Therefore, an adequate inspection cannot be made unless the flap track is removed from the airplane and disassembled.

One commenter requested that a temporary repair be allowed in lieu of the repair specified in the proposal. The FAA cannot concur because the commenter did not present any details of such a temporary repair. Operators may present specific repairs in accordance with the provisions of paragraph E. of the AD to be considered by the FAA as an alternate means of compliance.

One commenter requested that the AD include the option of installing a new unmodified flap track. The FAA agrees with the commenter. There is nothing in the AD which prevents an operator from taking this action. However, the new track must then be inspected and repaired in accordance with the requirements of paragraph A. of the AD.

One commenter expressed concern over availability of parts. The FAA considered parts availability during the development of this rulemaking action. In some cases, the existing flap tracks may be reworked, so spare tracks would not be required. The manufacturer has informed the FAA that spare flap tracks are on order to serve as replacements for severely cracked tracks, and ample parts will be available to meet the requirements of the rule.

Several commenters requested that the AD include the option of performing an on-wing ultrasonic or eddy current inspection of the flap track. The FAA does not concur. The flap track may have a plate on the bottom surface of the track, which prevents reliable detection of cracks with eddy current. Ultrasonic inspections cannot detect cracks in the bottom piece of metal where two pieces of metal are stacked together.

Two commenters requested credit for a previously accomplished magnetic particle inspection. The FAA notes that the AD already gives credit for previously accomplished inspections. If a magnetic particle inspection was previously performed, the track would then be required to be inspected at the 9,000 flight cycle repetitive inspection interval.

One commenter stated that actions which terminate repetitive inspections are not clearly stated. The FAA does not agree. The FAA considers that the terminating actions are clearly defined in paragraph D. of the AD.

Numerous comments were received in response to the original NPRM for this rulemaking action, which was published in the **Federal Register** on June 21, 1989 (54 FR 26048). Most of the commenters requested various editorial changes, which were incorporated into the Supplemental NPRM.

Since issuance of the NPRM, Boeing has revised the referenced service bulletin to provide optional shim material. The FAA has reviewed and approved Boeing Service Bulletin 727–57–0178, Revision 3, dated December 21, 1989. The final rule references the later service bulletin revision as an appropriate service information source.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,695 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 1,172 airplanes of U.S. registry will be affected by this AD, that it will take approximately 29 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,359,520 for the initial inspection cycle.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 727 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent separation of an inboard trailing edge flap due to corrosion or cracking of the inboard track, accomplish the following:

A. For airplanes with flap tracks that have neither the repair nor the preventative modification installed, as specified in Boeing

Service Bulletin 727-57-117, Revision 5, dated January 30, 1981, or earlier revisions, accomplish the following:

1. Inspection

a. Accomplish the initial inspections required by paragraphs A.1.b., A.1.c, and A.1.d, below, prior to (1) or (2), below, whichever occurs later:

(1) prior to the accumulation of 7,000 flight cycles or 5 years since manufacture, whichever occurs first; or

(2) within the next 1,000 flight cycles or 6 months after the effective date of this AD, whichever occurs first.

b. Accomplish *either* of the following inspections:

(1) Perform a close visual inspection for cracks and corrosion of the inboard trailing edge flaps inboard track in accordance with the Accomplishment Instructions of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

(2) Remove the flap track from the airplane, and perform a visual and magnetic particle inspection for cracks and corrosion in the flap track, in accordance with Figure 1 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989. Repeat these inspections at intervals not to exceed 9,000 flight cycles or 6 years, whichever occurs first.

c. Inspect the inboard trailing edge flaps inboard track for loose mounting bolts. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

d. If the track has a laminated shim installed in accordance with Boeing Service Bulletin 727-57-0178, Revision New, dated May 5, 1988, visually inspect the laminated shim for correct location in accordance with Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

2. Repair

a. If cracks with or without corrosion are detected as a result of the inspections required by paragraph A.1.b, above, and do not exceed the limits specified in Figures 1 or 3 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, prior to further flight, repair in accordance with the service bulletin. If the crack extends into the flap track web, inspect the crack using a borescope at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first. If crack growth occurs, repair in accordance with this paragraph or A.2.b., below. If only corrosion is detected and it does not exceed the limits specified in Figure 3 of the service bulletin, repair in accordance with the service bulletin within 12 months. If the crack does not extend into the flap track web, repairs made in accordance with this paragraph terminate the repetitive inspections required by paragraph A.1.b., above.

b. If cracks or corrosion are detected which exceed the limits specified in Figures 1 or 3 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, prior to further flight, replace the flap track.

c. If loose mounting bolts are detected as a result of the inspections required by paragraph A.1.c., above, retorque the bolts in accordance with Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, prior to further flight. Modification in accordance with Figure 2 of the service bulletin, terminates the repetitive inspections for loose mounting bolts required in paragraph A.1.c., above.

d. If the track is repaired with a splice plate in accordance with Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, or earlier revisions, within 12,000 flight cycles since repair or 1,000 flight cycles after the effective date of this AD, whichever occurs later, perform a close visual inspection for cracks of the inboard trailing edge flaps inboard track at the aft splice plate fasteners, in accordance with the Accomplishment Instructions of the service bulletin. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first. If cracks are detected, replace the flap track prior to further flight.

e. If a mislocated laminated shim is detected as a result of the inspections required by paragraph A.1.d., above, and the mislocation exceeds the limits specified in the Accomplishment Instructions of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, prior to further flight, reinstall the shim or replace the shim in accordance with the service bulletin. Replacement of the shim terminates the repetitive inspections required by paragraph A.1.d., above.

B. For airplanes with flap tracks which have the preventative modification installed in accordance with Boeing Service Bulletin 727-57-117, Revision 5, dated January 30, 1981, or earlier revisions, accomplish the following:

1. Inspection

a. Accomplish the initial inspections required by paragraphs B.1.b. and B.1.c., below, prior to (1) or (2), below, whichever occurs later:

(1) within 9,000 flight cycles since modification or 6 years since modification, whichever occurs first; or

(2) within the next 1,000 flight cycles or 6 months after the effective date of this AD, whichever occurs first.

b. Accomplish *either* of the following inspections:

(1) Perform a close visual inspection for cracks and corrosion of the inboard trailing edge flaps inboard track in accordance with the Accomplishment Instructions of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

(2) Remove the flap track from the airplane, and perform a visual and magnetic particle inspection for cracks and corrosion in the flap track, in accordance with Figure 1 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989. Repeat these inspection at intervals not to exceed 9,000 flight cycles or 6 years, whichever occurs first.

c. Inspect the inboard trailing edge flaps inboard track for loose mounting bolts. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

2. Repair

a. If cracks with or without corrosion are detected as a result of the inspections required by paragraphs B.1.b., above, and do not exceed the limits specified in Figures 1 or 3 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, prior to further flight, repair in accordance with the service bulletin. If the crack extends into the flap track web, inspect the crack using a borescope, at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first. If crack growth occurs, repair in accordance with this paragraph or B.2.b., below. If only corrosion is detected, and it does not exceed the limits specified in Figure 3 of the service bulletin, repair in accordance with the service bulletin within 12 months. If the crack does not extend into the flap track web, repairs made in accordance with this paragraph terminate the repetitive inspections required by paragraph B.1.b., above.

b. If cracks or corrosion are detected which exceed the limits specified in Figures 1 or 3 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, prior to further flight, replace the flap track.

c. If loose mounting bolts are detected as a result of the inspections required by paragraph B.1.c., above, prior to further flight, retorque the bolt in accordance with Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989.

Modification in accordance with Figure 2 of the service bulletin, terminates the repetitive inspections for loose mounting bolts required by paragraph B.1.c., above.

d. If the track is repaired with a splice plate in accordance with Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, within 12,000 flight cycles since repair or 1,000 flight cycles after the effective date of this AD, whichever occurs later, perform a close visual inspection for cracks of the inboard trailing edge flaps inboard track at the aft splice plate fasteners, in accordance with the service bulletin. Repeat this inspection at intervals, not to exceed 3,000 flight cycles or 18 months, whichever occurs first. If cracks are detected, replace the flap track prior to further flight.

C. For airplanes with flap tracks that have been repaired with the splice plate in accordance with Boeing Service Bulletin 727-57-117, Revision 5, dated Janaury 30, 1981, or earlier revisions, accomplish the following:

1. Inspection

a. Accomplish the initial inspections required by paragraph C.1.b., C.1.c., and C.1.d., below, prior to (1) or (2), below, whichever occurs later:

(1) Within 12,000 flight cycles since repair or 8 years since repair, whichever occurs first; or

(2) Within the next 1,000 flight cycles or 6 months after the effective date of this AD, whichever occurs first.

b. Remove the flap track from the airplane, and perform a visual and magnetic particle inspection for cracks and corrosion in the flap track, in accordance with Figure 1 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989. Repeat these inspections at intervals not to exceed 9,000 flight cycles or 6 years, whichever occurs first.

c. Inspect the inboard trailing edge flaps inboard track for loose mounting bolts. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

d. Perform a close visual inspection for cracks of the inboard trailing edge flaps inboard track at the aft splice plate fasteners, in accordance with the service bulletin. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first. If cracks are detected, replace the flap track prior to further flight.

2. Repair

a. If new cracks, crack growth, or corrosion are detected as a result of the inspections required by paragraph C.1.b., above, and do not exceed the limits specified in paragraph C.2.b., below, prior to further flight, repair in accordance with Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989. If the crack extends into the flap tract web, inspect the crack using a borescope at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first. If crack growth occurs, repair in accordance with this paragraph or C.2.b., below. If the crack does not extend into the flap track web, repairs made in accordance with this paragraph terminate the repetitive inspections required by paragraph C.1.b., above.

b. Replace the flap track prior to further flight if any of the following occur:

(1) The crack length is within the short limits specified in Figure 1 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, and the crack runs toward the flap track integral rib.

(2) The crack length exceeds the short limits specified in Figure 1 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989.

(3) The corrosion exceeds the limits specified in Figure 3 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989.

c. If loose mounting bolts are detected as a result of the inspections required by paragraph C.1.c., above, prior to further flight, retorque the bolts in accordance with the service bulletin. Repair in accordance with Figures 3 or 4 of the service bulletin terminates the repetitive inspections for loose mounting bolts required by paragarph C.1.c., above.

d. If the track is repaired with a splice plate in accordance with Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989, perform a close visual inspection for cracks of the inboard trailing edge flaps inboard track at the aft splice plate fasteners, in accordance with the service bulletin. Repeat this inspection at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first. If cracks are detected, replace the flap track prior to further flight.

D. The following constitutes terminating action for the inspection requirements of this AD:

1. Modification in accordance with Figure 2 of Boeing Service Bulletin 727-57-0178, Revision 3, dated December 21, 1989; or

2. Repair in accordance with Figure 3 of the service bulletin, if no splice plate is required.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Seattle Aircraft Certification Office.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective on April 27, 1990.

Issued in Seattle, Washington, on March 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6489 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 89-AGL-17]

Transition Area Establishment—Casselton, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to establish the Casselton, ND, transition area to accommodate a new VOR/DME Runway 31 Standard Instrument Approach Procedure (SIAP) to Casselton Regional Airport, Casselton, ND. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 u.t.c., June 28, 1990.

FOR FURTHER INFORMATION CONTACT: Henry D. French, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7477.

SUPPLEMENTARY INFORMATION:

History

On Monday, December 11, 1989, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area airspace near Casselton, ND (54 FR 50769).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a transition area airspace near Casselton, ND. This transition area is being established to accommodate a new VOR/DME Runway 31 SIAP to Casselton Regional Airport.

The development of this procedure requires that the FAA alter the designated airspace to insure that the procedure may be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Casselton, ND [New]

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Casselton Regional Airport (lat. 46°51'15" N., long. 97°12'31" W.); and within 1.75 miles each side of the 110° bearing from the airport, extending from the 5.5-mile radius area to 6.5 miles southeast of the airport, excluding that portion which overlies the Fargo, ND, transition area.

Issued in Des Plaines, Illinois, on March 13, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 90-6520 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 24722; Ref. Amdt. 91-213]

RIN 2120-AB04

Night-Visual Flight Rules Visibility and Distance From Clouds Minimums

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action makes an editorial change that was inadvertently omitted in a final rule, published on September 29, 1989, establishing standard visibility and cloud clearance minimums for night visual flight rules operations. This action corrects that omission.

EFFECTIVE DATE: August 18, 1990.

FOR FURTHER INFORMATION CONTACT: Jean Casciano, Office of Rulemaking (ARM-12), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone: (202) 267-9683.

SUPPLEMENTARY INFORMATION:

History

On August 18, 1989, the Federal Aviation Administration published a final rule (54 FR 34284) that reorganizes and realigns the general operating and flight rules in part 91 of the Federal Aviation Regulations (FAR). That amendment will become effective on August 18, 1990.

Federal Register Document No. 89-22990, published on September 29, 1989, established standard visibility and cloud clearance minimums for night-visual flight rules operations. That final rule revised § 91.105 as it is currently in effect, but it neglected to indicate how the amendment will be reflected in the revised section, § 91.155, as it will appear in part 91 as of August 18, 1990.

Correction to Final Rule

The following amendment is made to part 91 as it will be revised on August 18, 1990:

Section 91.155 is revised to read as follows:

§ 91.155 Basic VFR weather minimums.

(a) Except as provided in §§ 91.155(b) and 91.157, no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude in the following table:

Altitude	Flight visibility	Distance from clouds
1,200 feet or less above the surface—		
Within controlled airspace	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Outside controlled airspace:		
Day (except as provided in section 91.155(b))	1 statute mile	Clear of clouds.
Night (except as provided in section 91.155(b))	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface but less than 10,000 feet MSL—		
Within controlled airspace	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Outside controlled airspace:		
Day	1 statute mile	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Night	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL	5 statute miles	1,000 feet below. 1,000 feet above. 1 mile horizontal.

(b) *Inapplicability.* Notwithstanding the provisions of paragraph (a) of this section, the following operations may be conducted ouside of controlled airspace below 1,200 feet above the surface:

(1) *Helicopter.* When the visibility is less than 1 mile during day hours or less than 3 miles during night hours, a helicopter may be operated clear of clouds if operated at a speed that allows the pilot adequate opportunity to see any air traffic or obstruction in time to avoid a collision.

(2) *Airplane.* When the visibility is less than 3 miles but not less than 1 mile during night hours, an airplane may be operated clear of clouds if operated in

an airport traffic pattern within one-half mile of the runway.

Issued in Washington, DC, on March 8, 1990.

Donald P. Byrne,

Acting Assistant Chief Counsel for Regulations and Enforcement.

[FR Doc. 90-6490 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 776

[Docket No. 900249-0049]

Petroleum Exports To Be Used on Vessels and Aircraft

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations (15 CFR parts 730-799) were amended on October 9, 1985 (50 FR 41131) to eliminate the instructions for applying for a validated license for exports of refined petroleum products classified under Petroleum Commodity Groups B, C, D, E, F, G, K, L, M, N and Q in Supplement No. 2 to 15 CFR part 777. The validated license requirement was removed by 50 FR 41131-41134 on October 9, 1985. The instructions were inadvertently retained and are now being deleted.

Paragraph (c) of 15 CFR 776.9 provides instructions for submitting a Form BXA-622P when exporting petroleum and petroleum products for vessels or aircraft departing from the United States. This rule removes those provisions, which were made obsolete by the 1985 change in the regulations.

EFFECTIVE DATE: This rule is effective March 22, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Regulations Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule does not affect a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

5. Section 13(a) of the Export Administration Act of 1979, as amended (EAA) (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule does not impose a new control.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are always welcome. Comments should be sent to: Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 776:

Exports, Reporting and recordkeeping requirements.

Accordingly, part 776 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

1. The authority citation for 15 CFR part 776 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, and by Pub. L. 99-64 of July 12, 1985 and by Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36862, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*) of October 27, 1986 (51 FR 39505, October 29, 1986).

2. In § 776.9, paragraph (c) is removed.

Dated: March 19, 1990.

James M. LeMunyon,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 90-6582 Filed 3-21-90; 8:45 am]

BILLING CODE 3510-DT-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Futures and Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is granting an exemption to designated members of the Toronto Futures Exchange ("TFE") from the application of certain of the Commission's foreign futures and option rules based on substituted compliance with certain comparable regulatory and self-regulatory requirements of a foreign regulatory authority consistent with conditions specified by the Commission, as set forth herein. This Order is issued pursuant to Commission Rule 30.10, 17 CFR 30.10 (1989), which permits specified persons to file a petition with the Commission for exemption from the application of certain of the rules set forth in part 30 and authorizes the Commission to grant such an exemption if such action would not be otherwise contrary to the public interest or to the purposes of the provisions from which exemption is sought.

EFFECTIVE DATE: April 23, 1990.

FOR FURTHER INFORMATION CONTACT: David A. Naatz, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

United States of America Before the Commodity Futures Trading Commission

Order Under CFTC Rule 30.10 Exempting Firms Designated by the Toronto Futures Exchange from the Application of Certain of the Foreign Futures and Option Rules the Later of Thirty Days after Publication of the Order Herein in the Federal Register or after Filing of Consents by Such Firms and the Regulatory or Self-Regulatory Organization, as Appropriate, to the Terms and Conditions of the Order Herein.

On July 23, 1987, the Commission adopted final rules governing the

domestic offer and sale of commodity futures and option contracts traded on or subject to the rules of a foreign board of trade. 52 FR 28980 (August 5, 1987). These rules, which are codified in part 30 of the Commission's regulations, generally extend the Commission's existing customer protection regulations for products offered or sold on contract markets in the United States to foreign futures and options products sold to United States customers by imposing requirements with respect to registration, disclosure, capital adequacy, protection of customer funds, recordkeeping and reporting, and sales practice and compliance procedures that are generally comparable to those applicable to wholly domestic transactions.

In formulating a regulatory program to govern the offer and sale of foreign futures and option products to United States customers, among other things, the Commission considered the desirability of ameliorating the potential extraterritorial impact of such a program and avoiding duplicative regulation of firms engaged in international business. Based upon these considerations, the Commission, as set forth in Commission Rule 30.10, determined to permit persons located outside the United States and subject to a comparable regulatory structure in the jurisdiction in which they were located to seek an exemption from certain of the requirements imposed by the part 30 rules based upon substituted compliance with the comparable regulatory requirements imposed by the foreign jurisdiction.

Appendix A to part 30, "Interpretative Statement With Respect to the Commission's Exemptive Authority Under § 30.10 of Its Rules" ("Appendix A"), generally sets forth the elements the Commission will evaluate in determining whether a particular regulatory program may be found to be comparable for purposes of exemptive relief pursuant to Commission Rule 30.10, 52 FR 28980, 29001. These elements include: (1) Registration, authorization or other form of licensing, fitness review or qualification of persons through whom customer orders are solicited and accepted; (2) minimum financial requirements for those persons who accept customer funds; (3) protection of customer funds from misapplication; (4) recordkeeping and reporting requirements; (5) sales practice standards; (6) procedures to audit for compliance with, and to take action against those persons who violate, the requirements of the program; and (7) information sharing arrangements between the Commission and the appropriate governmental and/or self-regulatory organization to ensure Commission access on an "as needed" basis to information essential to maintaining adequate standards of customer and market protection within the United States.

Moreover, the Commission specifically stated in adopting Commission Rule 30.10 that no exemption of a general nature would be granted unless the persons to whom the exemption is to be applied: (1) Consensually submit to jurisdiction in the United States by designating an agent for service of process in the United States with respect to transactions subject to part 30 and filing a copy of the agency agreement with the National Futures Association ("NFA"); (2) agree to provide access to their books and records in the United States to Commission and Department of Justice representatives; and (3) notify the NFA of the commencement or termination of business in the United States.[1]

By letter December 24, 1987, as supplemented on January 25, 1989, TFE petitioned the Commission on behalf of certain of its members for an exemption from the application of the Commission's foreign futures and option rules.[2] In support of its petition, TFE states that granting such an exemption with respect to its members would not be contrary to the public interest or to the purposes of the provisions from which the exemption is sought because such firms and TFE are subject to a regulatory scheme comparable to that imposed by the Commodity Exchange Act ("Act") and the regulations thereunder.

Based upon a review of the petition as supplemented and supporting materials filed by TFE's regulatory authority, the Ontario Securities Commission ("OSC"), and the recommendation of the staff, the Commission has concluded that the standards for relief set forth in Commission Rule 30.10 and, in particular, Appendix A thereof, have generally been satisfied and that compliance with applicable Canadian law and TFE rules may be substituted for compliance with those sections of the Act more particularly set forth herein.

By this Order, the Commission hereby exempts, subject to specified conditions, those firms identified to the Commission as eligible for the relief granted herein from:

—Registration with the Commission;
—Those sections of part 1 of the Commission's financial regulations that apply to foreign futures and options sold in the United States as set forth in part 30; and
—Those sections of part 1 of the Commission's regulations relating to books and records which apply to transactions subject to part 30;

based upon substituted compliance by such persons with the applicable statutes and regulations in effect in the province of Ontario.

This determination to permit substituted compliance is based on, among other things, the Commission's finding that the regulatory scheme governing the persons in Ontario who would be exempted hereunder provides:

(1) A system of licensing of firms and persons who deal in transactions subject to regulation under part 30 that includes, for example, criteria and procedures for granting, monitoring, suspending and revoking licenses, and provisions for requiring and obtaining access to information about licensees;

(2) Financial requirements for firms carrying customer accounts including, without limitation, a requirement that all firms immediately notify TFE if the firms' adjusted net capital falls below a specified level and daily market-to-market settlement;

(3) A system for the protection of customer funds which requires separate accounting for such funds, augmented by a compensation fund designed to compensate customers who have suffered a loss as a result of fraud and/or insolvency of a licensee;

(4) Recordkeeping and reporting requirements pertaining to financial and trade information including, without limitation, order tickets, trade confirmations, monthly customer account statements, accounting records for customer and proprietary trades and discretionary account documentation;

(5) Sales practice standards for licensees which include, for example, a requirement that firms licensed to do business know their customers, required disclosures to prospective customers and prohibitions on misleading advertising and improper trading activities;

(6) Procedures to audit for compliance with customer protection and sales practice requirements including, without limitation, an affirmative surveillance program designed to detect trading activities which take advantage of customers, and the existence of broad powers of investigations relating to sales practice abuses; and

(7) Mechanisms for sharing of information between the Commission, TFE and the OSC on an "as needed" basis including, without limitation, confirmation data, data necessary to trace funds related to trading futures products subject to regulation in Ontario, position data and data on firms' standing to do business and financial condition.

[1] 52 FR 28980, 28981 and 29002.

[2] To date, TFE has not filed a petition under Commission Rule 30.3(a), 17 CFR 30.3(a) (1989), requesting that its option products be permitted to be offered or sold in the United States.

This Order does not provide an exemption from any provision of the Act or regulations thereunder not specified herein, for example, without limitation, the antifraud provision in Commission Rule 30.9, 17 CFR 30.9 (1989), or the disclosure provision in Commission Rule 30.6, 17 CFR 30.6 (1989). Moreover, the relief granted is directed to brokerage activities on or subject to the rules of TFE undertaken by TFE member firms authorized to do investment business in Ontario. The relief does not extend to rules or regulations relating to trading, directly or indirectly, on United States exchanges. For example, such a firm trading in United States markets for its own account would be subject to the Commission's large trader reporting requirements. *See, e.g.*, 17 CFR part 18 (1989). Similarly, if such a firm were carrying a position on a United States exchange on behalf of foreign clients, it would be subject to the reporting requirements applicable to foreign brokers. *See, e.g.*, 17 CFR parts 17 and 21 (1989). The relief herein is inapplicable where the firm solicits United States customers for transactions on United States markets. In that case, the firm must comply with all applicable United States laws and regulations, including the requirement to register in the appropriate capacity.

The eligibility of any firm to seek relief under this exemptive Order is subject to the following conditions:

(1) The regulatory or self-regulatory organization responsible for monitoring the compliance of such firm with the regulatory requirements described in the Rule 30.10 petition must represent in writing to the CFTC that:

(a) Each firm for which relief is sought is registered, licensed or authorized, as appropriate, and is otherwise in good standing under the standards in place in Ontario; such firm is engaged in business with customers located in Canada as well as in the United States; and such firm and its principals and employees who engage in activities subject to part 30 would not be statutorily disqualified from registration under section 8a(2) of the Act, 7 USC 12(a)(2);

(b) It will monitor firms to which relief is granted for compliance with the regulatory requirements for which substituted compliance is accepted and will promptly notify the Commission or NFA of any change in status of a firm which would affect its continued eligibility for the exemption granted hereunder, including the termination of its activities in the United States;

(c) All transactions with respect to customers resident in the United States will be made on or subject to the rules of TFE and the Commission will receive prompt notice of all material changes in the Ontario Commodity Futures Act ("CFA"), CFA Regulations thereunder and TFE rules;

(d) Customers resident in the United States will be provided no less stringent regulatory protection than Canadian customers under all relevant provisions of Ontario law; and

(e) It will cooperate with the Commission with respect to any inquiries concerning any activity subject to regulation under the part 30 rules, including sharing the information specified in Appendix A to the part 30 rules on an "as needed" basis and will use its best efforts to notify the Commission if it becomes aware of any information which in its judgment affects the financial or operational viability of a member firm doing business in the United States under the exemption granted by this Order.

(2) Each firm seeking relief hereunder must apply in writing whereby it:

(a) Consents to jurisdiction in the United States under the Act by filing a valid and binding appointment of an agent in the United States for service of process in accordance with the requirements set forth in Commission Rule 30.5, 17 CFR 30.5 (1989);

(b) Agrees to provide access to its books and records related to transactions under part 30 required to be maintained under the applicable statutes and regulations in effect in Ontario upon the request of any representative of the Commission or United States Department of Justice at the place in the United States designated by such representative, within 72 hours, or such lesser period of time as specified by that representative as may be reasonable under the circumstances after notice of the request;

(c) Represents that no principal of such firm would be disqualified from directly applying to do business in the United States under section 8a(2) of the Act, 7 U.S.C. 12a(2), and notifies the Commission promptly of any change in that representation based on a change in control as generally defined in Commission Rule 3.32, 17 CFR 3.32 (1989);

(d) Discloses the identity of each subsidiary or affiliate domiciled in the United States with a related business (*e.g.*, banks and broker/dealer affiliates) and provides a brief description of such subsidiary's or affiliate's principal business in the United States;

(e) Consents to participate in any NFA arbitration program which offers a procedure for resolving customer disputes on the papers where such disputes involve representations or activities with respect to transactions under part 30 and consents to notify customers resident in the United States of the availability of such a program;

(f) Agrees to maintain, on behalf of customers located in the United States, funds equivalent to the "secured amount" described in Commission Rule 1.3(rr), 17 CFR 1.3(rr) (1989), in a separate account as set forth in Commission Rule 30.7, 17 CFR 30.7 (1989), and to treat those funds in the manner described by that rule;

(g) Consents to maintain as part of the firm's regulatory capital, an amount, which may not be satisfied by letters of credit, which is equal to four percent of the secured amount held in separate accounts on behalf of customers located in the United States;

(h) Consents to notify the Commission and NFA if transactions subject to part 30 of the Commission's rules would constitute fifty percent or more of customer business undertaken by such firm; and

(i) Undertakes to comply with the applicable provisions of Ontario and TFE rules which form the basis upon which this exemption from certain provisions of the Act is granted.

This Order will become effective as to any designated TFE member firm the later of thirty days after publication of the Order in the **Federal Register** or after filing of the consents hereinabove required. Upon filing of the notice required under paragraph (1)(b) as to any such firm, the relief granted by this Order may be suspended immediately as to that firm. That suspension will remain in effect pending further notice by the Commission, or the Commission's designee, to the firm and TFE.

This Order is issued pursuant to Commission Rule 30.10 based on the comparability representations made and supporting material provided to the Commission and the recommendation of the staff, and is made effective as to any firm granted relief hereunder based upon the filings and representations of such firm required hereunder. Any material changes or omissions in the facts and circumstances pursuant to which this Order is granted might require the Commission to reconsider its finding that the standards for relief set forth in Commission Rule 30.10 and, in particular, appendix A thereof, have generally been satisfied. Further, if experience demonstrates that the continued effectiveness of this Order in general, or with respect to a particular firm, would be contrary to public policy or the public interest, or that the systems in place for the exchange of information or other circumstances do not warrant continuation of the exemptive relief granted herein, the Commission may condition, modify, suspend, terminate, withhold as to a specific firm, or otherwise restrict the exemptive relief granted in this Order, as appropriate, on its own motion. For example, the relief granted to a specific firm may be suspended upon the firm's failure to provide access to its books and records. If necessary, provisions will be made for servicing existing client positions.

The Commission will continue to monitor the implementation of its program to exempt firms located in jurisdictions generally deemed to have a comparable regulatory program from the application of certain of the foreign futures and option rules and will make necessary adjustments if appropriate.

Issued in Washington, DC, on March 16, 1990.

Jean A. Webb,

Secretary of the Commission.

List of Subjects in 17 CFR Part 30

Commodity futures.

Accordingly, 17 CFR part 30 is amended as set forth below:

PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 2(a)(1)(A), 4, 4c, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a (1982).

2. Appendix C to part 30 is amended by adding the following entry to read as follows:

Appendix C—Foreign Petitioners Granted Relief from the Application of Certain of the Part 30 Rules Pursuant to § 30.10

* * * * *

Firms designated by the Toronto Futures Exchange.

FR date and citation, _____, 1990; 55 FR _____.

[FR Doc. 90-6464 Filed 3-21-90; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010-AB19

Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS); Safety and Pollution-Prevention Equipment

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: Current rules governing offshore oil and gas operations require that safety and pollution-prevention equipment (i.e., surface safety valves (SSV), under-water safety valves (USV), and subsurface safety valves (SSSV)) be manufactured in accordance with a quality assurance program specified in the rule. This rule amends the existing rule to update the American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) (formally ANSI/ASME) SPPE-1 quality assurance standard from the 1985 edition to the 1988 edition, including addenda a, b, and c, and recognizes the American Petroleum Institute's (API) quality assurance program, API Spec Q1 in combination with API Spec 14A and Spec 14D, including Supplement 1 for API 14A and Supplement 1 for API Spec 14D, both dated August 1, 1989, as an acceptable alternate or optional quality assurance program for the manufacture of safety and pollution-prevention equipment. The addenda for the 1988 edition of ASME/ANSI SPPE-1 have been included in this rule to ensure that the most current edition of this standard has been cited. The MMS has reviewed these addenda and has determined that the addenda do not require further public review because they do not have a significant impact on the 1988 edition of ASME/ANSI SPPE-1.

EFFECTIVE DATE: April 23, 1990. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 26, 1990.

FOR FURTHER INFORMATION CONTACT: Marshall L. Courtois, Chief, Offshore Inspection and Enforcement Division; Minerals Management Service; Mail Stop 647; 381 Elden Street; Herndon, Virginia 22070-4817; or telephone (703) 787-1576.

SUPPLEMENTARY INFORMATION: The current regulation requires that safety and pollution-prevention equipment be manufactured under the 1985 edition of the ASME/ANSI quality assurance program. On July 6, 1988, the Minerals Management Service (MMS) issued a notice of proposed rulemaking (NPR) (53 FR 25349) to amend the regulation to recognize the API quality assurance program using API Spec 14A and Spec 14D as an acceptable alternative to the ASME/ANSI quality assurance program using SPPE-1. The NPR would also incorporate the 1988 edition of SPPE-1 in lieu of the 1985 edition.

Comments received in response to the NPR noted that it would be difficult for interested parties to obtain copies of and review documents incorporated by reference and prepare a response to the NPR in the given 30-day comment period. The MMS recognized the importance of these referenced documents in the NPR and reopened the comment period for an additional 45 days on August 15, 1988 (53 FR 30705). The MMS received 27 written comments on the proposed rule during the comment period.

Since the close of the initial comment period, API issued Supplement 1 to API Spec 14A and Supplement 1 to API Spec 14D, both dated August 1, 1989. These supplements provide for lessees to report installation of API Spec 14A and Spec 14D equipment to manufacturers and for the reporting of equipment failures to API and the manufacturers. Since several of the comments received in response to the NPR concerned similar reporting requirements, MMS reopened the comment period on August 11, 1989, to allow interested parties to review and comment on Supplement 1 to API Spec 14A and Supplement 1 to API Spec 14D. The NPR was amended so that the editions of API Spec 14 A and Spec 14D would include Supplement 1, dated August 1, 1989, for each document to be incorporated by reference.

The MMS held a public meeting on August 31, 1989, to discuss the NPR. At the meeting, commenters were advised that official comments on the NPR should be submitted in writing. Two additional written comments were received during this comment period.

Public Comments and Agency Responses

The following discussion summarizes the comments received in response to the request for comments contained in the NPR. There were 29 comments received from offshore oil and gas production companies, safety and pollution-prevention equipment manufacturers, trade organizations, contractors, and consultants. Agency responses to the comments are also included.

Comment—Seventeen commenters recommended adoption of the NPR to update the SPPE-1 quality assurance standard from the 1985 edition to the 1988 edition and to provide for the recognition of API quality assurance program API Spec Q1 in combination with API Spec 14A and Spec 14D as an acceptable alternative or option to the SPPE-1 quality assurance program for the manufacture of safety and pollution-prevention equipment. A number of commenters stated that the acceptance of the API program as an alternate program would have a positive economic benefit by allowing manufacturers additional flexibility in choosing a quality assurance program and would not jeopardize the degree of safety and pollution prevention provided by the current quality assurance program.

Response—The MMS is encouraged by the positive response and appreciates the time spent and cooperation of the commenters in reviewing the NPR. The MMS has finalized the rule with only a few nonsubstantial changes from the rulemaking that was originally proposed.

Comment—Four commenters stated that the API program does not offer opportunity for public participation, while another commenter expressed concern "* * * with the wholesale use

of documents incorporated by reference into enforceable regulations involving possibly serious penalties, but which (documents) have never been published for public scrutiny."

Response—The API Spec Q1 quality assurance program was subjected to public scrutiny during the comment periods associated with this rulemaking. The documents incorporated by reference in this rule, as well as the documents incorporated by reference in the rule that this rule modifies, were also subjected to public scrutiny. Through this rulemaking process, which conforms to the requirements of the Administrative Procedure Act, commenters had the opportunity to review and comment critically about those documents. The final rule is the result of MMS's evaluation of the API program and the consideration of public comments.

Comment—One commenter recommended that references to "subsurface safety valves" in § 250.126(c) and (d) should be modified to read "subsurface safety valve equipment" because safety valve locks and landing nipples are also required to be manufactured under an accepted quality assurance program.

Response—This recommendation was not adopted. While the commenter is correct in stating that safety valve locks and landing nipples must also be manufactured under an accepted quality assurance program, the recommended word change was not adopted because this equipment is considered components of subsurface safety valves. Section 250.126(b)(1) indicates that the term "subsurface safety valves" includes safety valve locks and landing nipples. The addition of the word "equipment" at the end of this term would be redundant.

Comment—Two commenters expressed concerns about the information MMS requested to be included on the list of all certified and noncertified SSV's, USV's, and surface-controlled SSV's that were in the lessee's inventory as of April 1, 1988, and how MMS would use this information. Their primary concern was that MMS would attempt to improperly limit the use of viable noncertified equipment from the subject inventory.

Response—The appropriate use of uncertified safety and pollution-prevention equipment listed on the inventory is not the subject of this final rule.

Comment—Three commenters expressed concern that industry would have to bear redundant cost for maintaining both quality assurance programs since the differences between the programs may cause a manufacturer to subscribe to both programs. One company stated that they have invested considerable time and money into the SPPE–1 program, which has served them very well, and to understand and participate in the API program will require a similar investment of time and money. The company's concern was that if the API program was allowed as an alternate program, then other quality programs could be allowed as alternates, multiplying the cost to manufacturers. That cost would ultimately be passed on to consumers.

Response—A manufacturer is not obligated to subscribe to more than one quality assurance program to meet the requirements of § 250.126. The decision to subscribe to both the ASME/ANSI and the API programs and to incur the associated costs of each program is entirely up to each manufacturer. It should be noted that it may be appropriate at a later date to recognize other quality assurance programs for the manufacture of safety and pollution-control equipment as being alternatives or options to the currently accepted programs.

Comment—Two commenters questioned whether there will be reciprocity between the two quality assurance programs. One commenter specifically asked the following questions: (1) Where do we send failure reports for SPPE–1 if we drop that license, (2) will API have jurisdiction over items not produced under its license, and (3) will it be permissible to supply repair parts manufactured under the SPPE–1 quality assurance program from stock manufactured under the API Q1 program?

Response—Reciprocity between the two programs must be determined by the two certifying organizations. The MMS's principal concern is that safety and pollution-prevention equipment is manufactured under an acceptable quality assurance program. The MMS response to the three specific questions follows: (1) The lessee or operator should send failure reports to the equipment manufacturer and to the organization that accredited the quality assurance program under which the equipment was manufactured, (2) the API or ASME/ANSI will have jurisdiction only over equipment produced under its program, (3) repair parts must be manufactured under the same quality assurance program under which the original equipment was manufactured in order to assure that repair parts met the governing quality standards and to maintain the integrity of the certification of the original equipment.

Comment—Three commenters recommended that the proposed rulemaking be redrafted to include ANSI Standard Z34.1 which addresses protocol for third party certification program criteria. They stated that MMS should only recognize quality assurance programs that meet the criteria of ANSI Standards Z34.1 or 34.2 and should reject the API Q1 program, since it does not comply with the third party criteria of the ANSI standard. None of the commenters submitted a copy of the ANSI Standards Z34.1 or 34.2 to MMS for review.

Response—The recommendation was not adopted. The MMS has evaluated the API quality assurance program in conjunction with API Spec 14A and 14D and has determined that it would be appropriate to recognize the API quality assurance program for the manufacture of safety and pollution prevention control equipment as being an acceptable alternative to the ASME/ANSI program. This process was carried out pursuant to the requirements of the Administrative Procedure Act.

Comment—One commenter suggested that the SPPE–1 program should be expanded to cover many other items of critical safety and pollution-prevention equipment.

Response—Expansion of items of equipment which must be manufactured under an approved quality assurance program is not the subject of this rule.

Comment—Six commenters stated that they could not support API's quality assurance program because it was not equivalent to the ASME/ANSI SPPE–1 program and gave several reasons for their nonsupport. Three common reasons explaining why the API program was not considered equivalent to SPPE–1 were echoed by a majority of the commenters from this group. These three reasons were: (1) API does not used balanced consensus committees for the maintenance of its program, (2) API's failure reporting scheme was incomplete, and (3) the API staff has too much authority in controlling the API quality assurance program. In addition to the common concerns mentioned above, members of this group voiced several other concerns with the API quality assurance program. Most of the commenters in this group indicated that when these concerns were satisfied, the API quality assurance program could be considered equivalent to the SPPE–1 program.

Response—The three common arguments, as well as other concerns about the API quality assurance program, have been evaluated and are discussed in subsequent responses.

Comment—Two commenters stated that the API program lacks the Government oversight that the SPPE–1 program has through yearly audits.

Response—The MMS's oversight of API's quality assurance program will be similar to its oversight of the ASME/ANSI SPPE–1 program. The MMS will include the requirement for an annual audit of API's quality assurance program in its Exchange of Correspondence with API. The Exchange of Correspondence is an agreement between MMS and API that outlines each organization's role and responsibility in the oversight of the API quality assurance program. The Exchange of Correspondence will require MMS to conduct an audit of the API quality assurance program at least once a year. This will ensure that API is operating in accordance with its own procedures because the audit identifies any procedural noncompliance and requires that API take both preventive and corrective action for each identified area of noncompliance. The ASME/ANSI quality assurance program operates under a similar Exchange of Correspondence agreement and is also audited annually by MMS.

Comment—Six commenters were concerned that the API program does not utilize balanced consensus committees for the maintenance and administration of its quality assurance program in the same manner as utilized in the SPPE–1 program.

Response—The fact that API does not use balanced committees for the maintenance and administration of its quality assurance program is not seen as an obstacle to the acceptance of the API program. The MMS will conduct yearly audits to verify the consistent application of API's program in accordance with its documented procedures.

Comment—Four commenters stated that a major void in the API program was that the procedure for reporting equipment failures was incomplete because it was not a closed-loop failure reporting system. A closed-loop system would require the well owner/operator to report any failure of safety and pollution-prevention equipment to the manufacturer.

Response—The API recognized that its quality assurance program, as originally submitted for acceptance, lacked a satisfactory failure reporting system. To correct this deficiency, API issued Supplement 1 to API Spec 14A and Supplement 1 to API Spec 14D, which addressed the reporting of equipment failures to API and the manufacturers. These supplements also address operator reporting of receipt of API Spec 14A and 14D equipment to manufacturers and test agency license criteria. The final rule includes a new paragraph § 250.126(e) which requires lessees to file equipment failure reports with the manufacturer. That paragraph requires lessees to report to the manufacturer the failure of any safety and pollution-prevention equipment certified in accordance with either of the two quality assurance programs. Reporting the failure of certified equipment was required in OCS Order No. 5, but the requirement was inadvertently dropped during the restructuring and consolidation of the offshore operating requirements under 30 CFR part 250.

Comment—Three commenters felt that the final decisions concerning acceptance/rejection of manufacturers' programs are inappropriately made by API staff rather than a review board and that the appeal process to the General and Management Committees of API does not provide an impartial hearing.

Response—An effective appeal process is important to the success of the API program. The appeals process contained in API's internal procedures can provide an impartial hearing for a manufacturer. The API's compliance with these procedures will be verified as part of MMS's yearly audit.

Comment—Several commenters were concerned that the API License Agreement does not specify program requirements and gives API staff too much authority in controlling the manufacturers' quality assurance programs. They pointed out that this latitude does not exist in the SPPE–1 program, as all program requirements are documented.

Response—Restraints are placed on API staff actions through API's internal procedures document. Compliance with these procedures will be verified by MMS through an Exchange of Correspondence and its yearly audit of the API program.

Comment—One commenter was concerned that API's quality assurance program restricts the manufacturer's ability to dispose of nonconforming parts, even when properly justified and documented by qualified persons as allowed by SPPE–1.

Response—The API is considering a revision of its program to reduce the restrictions on the manufacturer concerning the disposition of nonconforming parts.

Comment—One commenter stated that API needs procedure and measurement criteria for laboratories that conduct performance testing of safety and pollution-prevention equipment.

Response—The API has added this criteria to the Supplement 1, dated August 1, 1989, of both API Spec 14A and to 14D (see changes to § 250.1 of this rule for the inclusion of these supplements in the regulations).

Comment—One commenter noted that traceability of manufactured equipment is not required by the API Q1 program and that traceability is essential in determining the location of such equipment in the event that notification of problems or potential problems becomes necessary.

Response—The API recognized that its quality assurance program, as originally submitted for acceptance, needed a procedure to track the location of certified equipment manufactured under its program. To correct this situation, API issued Supplement 1, dated August 1, 1989, to API Spec 14A and to 14D which addressed the shipment and receipt of equipment certified under API's quality assurance program. The MMS has added paragraph § 250.126(f) to the final rule to provide that lessees report the installation of any safety and pollution-prevention equipment certified in accordance with either of the two quality assurance programs to the manufacturer on the shipping and receiving report that comes with the equipment. Reporting the installation of certified equipment was required in OCS Order No. 5, but the requirement was inadvertently dropped during the restructuring and consolidation of the offshore operating requirements under 30 CFR part 250.

Executive Order 12291

The Department of the Interior (DOI) has determined that this rule will not cause a major increase in costs or prices for consumers or industry; therefore, this rule does not constitute a major rule under Executive Order 12291 and a Regulatory Impact Analysis is not required. The DOE has also determined that this amendment will not have a significant economic effect on a substantial number of small entities because, in general, the entities that engage in activities offshore are not considered small due to the complexity and financial resources necessary to conduct such activities.

Information Collection Requirements

This rule does not contain collections of information which require approval by the Office of Management and Budget in 44 U.S.C. 3501 *et seq.*

Takings Implication Assessment

This rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus a Takings Implication Assessment need not be prepared pursuant to Executive Order 12630, Government Action and Interference With Constitutionally Protected Property Rights.

National Environmental Policy Act

The DOI has also determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

Author

This document was prepared by Bill Hauser, Offshore Rules and Operations Division, MMS.

List of Subject in 30 CFR Part 250

Continental shelf, Environmental impact statments, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—right-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: January 31, 1990.

Barry Williamson,

Director, Minerals Management Service.

For the reasons set out in the preamble, title 30, chapter II, subchapter B of the Code of Federal Regulations (CFR) is amended as set forth below.

PART 250—[AMENDED]

1. The authority citation for part 250 continues to read as follows:

Authority: Sec. 204, Public Law 95–372, 92 Stat. 629 (43 U.S.C. 1334).

2. In § 250.1 the introductory text of § 250.1 is revised, paragraph (c)(5) is revised, the introductory text of paragraph (d) is revised, paragraphs (d)(6) and (d)(11) are removed, paragraphs (d)(12) through (d)(46) are redesignated as paragraphs (d)(15) through (d)(49) respectively, paragraphs (d)(8) through (d)(10) are redesignated as paragraphs (d)(11) through (d)(13) respectively, paragraph (d)(7) is redesignated as paragraph (d)(9), paragraphs (d)(1) through (d)(5) are redesignated as paragraphs (d)(2) through (d)(6) respectively, and new paragraphs (d)(1), (d)(7), (d)(8), (d)(10), and (d)(14) are added as follows:

§ 250.1 Documents incorporated by reference.

The documents listed below are incorporated by reference as requirements in this part. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A notice of any change in these documents will be published as a rule change in the **Federal Register**. Each document or specific portion thereof is incorporated by reference in the corresponding sections noted. The entire document is incorporated by reference, unless the text of the corresponding sections in this part call for compliance with specific portions of the listed documents. In each instance, the applicable document is the specific edition or specific edition and supplement or addendum cited in this section. In accordance with § 250.3, Performance requirements, a lessee may comply with a later edition of a specific document incorporated by reference provided the lessee demonstrates that compliance with the later edition provides a degree of protection, safety, or performance equal to or better than that which would be achieved by compliance with the listed edition and provided the lessee obtains the prior written approval of the authorized MMS official, for such alternate compliance. The list includes the name and address of at least one organization from whom the reference document may be obtained. These documents may be inspected at the Minerals Management Service, 381 Elden Street, Room 3313, Herndon, Virginia, or at the Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC. In order to facilitate correlation of the text of the corresponding sections with the list of documents incorporated by reference, the documents are listed in alphanumerical order.

* * * * *

(c)* * *

(5) ASME/ANSI (formerly ANSI/ASME) SPPE–1–1988, and SPPE–1a–1988, SPPE–1b–1989, and SPPE–1c–1989 (addenda), Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations, Incorporated by Reference at § 250.126 paragraphs (c)(2) and (e) (1) and (3).

* * * * *

(d) *American Petroleum Institute (API) Documents.* The API documents listed in this paragraph may be purchased from the American Petroleum Institute, 1220 L Street, NW., Washington, DC 20005. (Paragraphs (d)(22) through (d)(49) of this section refer to the API Manual of Petroleum Measurement Standards.)

(1) API Spec Q1, Specification for Quality Programs, Second Edition, January 1988, API Stock No. 811–00001, Incorporated by Reference at: § 250.126(c)(3).

* * * * *

(7) API Spec 14A, Specification for Subsurface Safety Valve Equipment, Seventh Edition, January 1988 with Supplement 1, August 1989, API Stock No. 811–07150, Incorporated by Reference at: § 250.126 paragraphs (c)(3) and (e) (2) and (3).

(8) API RP 14B, Recommended Practice for Design, Installation, and Operation of Subsurface Safety Valve Systems, Second Edition, November 1981 with Supplement 3, June 1986, API Stock No. 811–07160, Incorporated by Reference at §§ 250.121(e)(4) 250.124(a)(1)(i), and 250.126(d).

* * * * *

(10) API Spec 14D, Specification for Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, Seventh Edition, January 1988 with Supplement 1, August 1989, API Stock No. 811–07183, Incorporated by Reference at: § 250.126 paragraphs (c)(3) and (e) (2) and (3).

* * * * *

(14) API RP 14H, Recommended Practice for Use of Surface Safety Valves and Underwater Safety Valves Offshore, Second Edition, April 1984, API Stock No. 811–07196, Incorporated by Reference at: §§ 250.122(d) and 250.126(d).

* * * * *

3. In § 250.126, paragraphs (c) (1) and (2) are revised and paragraphs (c)(3), (d), (e), and (f) are added to read as follows:

§ 250.126 Quality assurance and performance of safety and pollution-prevention equipment.

* * * * *

(c) * * *

(1) Be identified on the list submitted under paragraph (b) of this section by a lessee of the lease on which the item is to be installed,

(2) Be certified by the manufacturer as having been produced under a quality assurance program that meets the requirements of ASME/ANSI SPPE–1–1988 and addenda a, b, and c, or

(3) Be certified by the manufacturer as having been produced under a quality assurance program that meets the requirements of API Spec Q1 and the technical specification API Spec 14A for SSSV's and API Spec 14D for SSV's and USV's.

(d) The installation, inspection, maintenance, testing, removal, redress, field repair, and documentation of safety and pollution-prevention equipment used in the OCS shall be in accordance with API RP 14B for an SSSV and API RP 14H for an SSV or USV. A remanufactured SSV or USV shall meet

the requirements of paragraph (c) of this section.

(e) Each lessee shall report the failure of safety and pollution-prevention equipment certified in accordance with paragraphs (c)(2) or (c)(3) of this section.

(1) Equipment certified under paragraph (c)(2) shall be reported in accordance with section OE–2670 of ASME/ANSI SPPE–1–1988 and addenda a, b, and c.

(2) Equipment certified under paragraph (c)(3) shall be reported in accordance with section 2 of Appendix C of API RP 14A or API RP 14D, as appropriate.

(3) Equipment certified under both paragraphs (c)(2) and (c)(3) shall be reported in accordance with both Section OE–2670 of ASME/ANSI SPPE–1–1988 and addenda a, b, and c, and section 2 of Appendix C of API RP 14A or API RP 14D, as appropriate.

(f) Each lessee shall report the installation of equipment certified in accordance with either paragraph (c)(2) or (c)(3) of this section to the manufacturer of the equipment on the shipping and receiving report that comes with the equipment.

[FR Doc. 90–6468 Filed 3–21–90; 8:45 am]
BILLING CODE 4310–MR–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 545

South African Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule, amendments.

SUMMARY: This final rule amends the South African Transaction Regulations, 31 CFR part 545 (the "Regulations"), to lift U.S. economic sanctions imposed on Namibia. As of March 21, 1990, Namibian Independence Day, Namibia will cease to be illegally administered by the Government of South Africa, and thus will no longer be subject to economic sanctions pursuant to the Comprehensive Anti-Apartheid Act of 1986, 22 U.S.C. 5001–5116 (the "Act"). This rule also amends and updates the authority citation for the Regulations.

EFFECTIVE DATE: 12:01 a.m. Eastern Standard Time, March 21, 1990.

FOR FURTHER INFORMATION CONTACT: William B. Hoffman, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: (202) 376–0408.

SUPPLEMENTARY INFORMATION: Namibia, under the illegal administration of South Africa, has been subject to the sanctions imposed against South Africa under the Act. The Act defines "South Africa" to include "any territory under the administration, legal or illegal, of South Africa." 22 U.S.C. 5001(6)(B). Implementing the Act, the Regulations define the terms "South Africa" and "Government of South Africa" (or "South African Government") to include Namibia. 31 CFR 545.306 and 545.312.

Namibia will gain independence from South Africa on March 21, 1990. In view of this event, and the State Department's determination that Namibia will no longer be illegally administered by South Africa, the Office of Foreign Assets Control is amending the Regulations to lift the Act's sanctions from Namibia.

The Regulations are also being amended to reflect that the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* ("IEEPA"), is no longer a statutory basis for the Regulations. The national emergency declared with respect to South Africa pursuant to IEEPA lapsed in 1987, following passage of the Act in 1986, which continued and expanded the prior IEEPA South Africa sanctions program. Since September 1987, the Act has provided the statutory authority for the Regulations.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 545

Banks, Banking, Foreign currencies, Imports, Namibia, Penalties, Reporting and recordkeeping requirements, South Africa.

For the reasons set forth in the preamble, 31 CFR part 545 is amended as follows:

PART 545—[AMENDED]

1. The authority citation for part 545 is revised to read as follows:

Authority: 22 U.S.C. 5001–5116, E.O. 12571, 51 FR 39505, October 29, 1986.

§ 545.306 [Amended]

2. Section 545.306 is amended by removing the words "(including Namibia)".

§ 545.312 [Amended]

3. Section 545.312 is amended by removing the words "(including Namibia)".

Dated: March 13, 1990.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 19, 1990.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 90–6664 Filed 3–20–90; 11:16 am]
BILLING CODE 4810–25–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 70355–7127]

Atlantic Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NMFS issues this notice to close the fishery for Atlantic bluefin tuna conducted by longline vessels permitted in the Incidental Catch category and operating in all parts of the Regulatory Area. Closure of this fishery is necessary because the total annual quota of 145 short tons (131.5 mt) of Atlantic bluefin tuna allocated for this category will be attained by the effective date. The intent of this action is to prevent overharvest of the quota established for this fishery.

EFFECTIVE DATES: The closure is effective from 0001 hours local time, March 24, 1990, through December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 508–281–9324.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act, 16 U.S.C. 971–971h, regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction, were published in the **Federal Register** on October 25, 1985 (50 FR 43396).

Section 285.22(f)(1) of the regulations at 50 CFR part 285 provides for an annual quota of 145 short tons (131.5 mt) of Atlantic bluefin tuna to be harvested from the Regulatory Area by longline

vessels permitted in the Incidental Catch category. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the total catch of Atlantic bluefin tuna will equal any quota under § 285.22. The Assistant Administrator is further authorized under § 285.20(b)(1) to prohibit the fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota. The Assistant Administrator has determined, based on the reported catch, that the annual quota of Atlantic bluefin tuna for longline vessels fishing in the Regulatory Area will be attained by the effective date of this notice. Fishing for, and retention of, any Atlantic bluefin tuna harvested under § 285.22(f)(1) must cease at 0001 local time on March 24, 1990.

Other Matters

Notice of this action will be mailed to all Atlantic bluefin tuna dealers and to vessel owners permitted in the Incidental Catch category. This action is under the authority of 50 CFR 285.20, and is taken in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Authority: 16 U.S.C. 971 *et seq.*

Dated: March 16, 1990.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-6572 Filed 3-21-90; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 55, No. 56
Thursday, March 22, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Office of the Attorney General

8 CFR Part 292

[Order No. 1402-90]

Representation and Appearances

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed amendment to 8 CFR 292.1 will enable first and second year law students taking part in a clinical program at an accredited law school to represent individuals before the Immigration and Naturalization Service, Board of Immigration Appeals, and Immigration Judges under certain specified circumstances. It will also eliminate the provision allowing law school graduates without bar admission to practice under certain limited circumstances before the Service, Board, and Immigration Judges. This is being done to expand competent, properly supervised representation for individuals who might otherwise not be able to acquire such representation. It eliminates unlicensed law school graduates as a category of representation. Also deleted is a phrase indicating that appearances will be on an individual case basis as it is anticipated that law school programs will be ongoing and that students may represent a number of individuals. Deciding officials retain the discretion to allow or to disallow law student appearances in appropriate circumstances.

DATES: Written comments must be submitted on or before April 23, 1990.

ADDRESSES: Please submit comments in duplicate to Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Virginia 22041, (703) 756-6470.

SUPPLEMENTAL INFORMATION: The primary goal of this proposed regulatory change is to expand pro bono representation for individuals in immigration proceedings by allowing first and second year law students in clinical programs at accredited law schools to appear in immigration proceedings at the discretion of the deciding official and under professional supervision. The present regulation authorizes such appearances for third year law students only.

There are many first and second year law students in clinical programs throughout the United States. Their participation in immigration proceedings would provide valuable experience for them, while at the same time provide representation to many individuals who otherwise would not be able to acquire such representation. In appropriate cases, as determined by the deciding official, properly supervised first and second year law students will expand the available pool of pro bono representation in immigration proceedings.

In addition, the proposal eliminates the provision allowing law school graduates without bar admission to practice under certain limited circumstances. This change will eliminate the problem of unlicensed, unsupervised persons representing individuals in these proceedings, particularly in situations where fees are involved. This proposal would eliminate considerable potential for abuse and ineffective representation.

It should be stressed that law student appearances are allowed only at the discretion of the deciding official. The deciding official may also insist that the law student be accompanied by a supervising faculty member or attorney, thus providing additional assurance that the representation will be adequate.

In addition with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of Executive Order 12291.

List of Subjects in 8 CFR Part 292

Aliens, Immigration, Representation.

Accordingly, part 292 is proposed to be amended as follows:

PART 292—REPRESENTATION AND APPEARANCES

1. The authority citation for part 292 continues to read as follows:

Authority: 8 U.S.C. 1103, 1362.

2. Section 292.1 is amended by revising paragraph (a)(2) to read as follows:

§ 292.1 Representation of others.

(a) * * *

(1) * * *

(2) *Law students.* A law student who is enrolled in an accredited law school, provided that:

(i) He or she is appearing at the request of the person entitled to representation;

(ii) He or she has filed a statement that he or she is participating, under the direct supervision of a faculty member or an attorney, in a legal aid program or clinic conducted by the law school, and that he or she is appearing without direct or indirect remuneration; and

(iii) His or her appearance is permitted by the official before whom he or she wishes to appear (namely an Immigration Judge, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board). The official or officials may, in any case, require that a law student be accompanied by the supervising faculty member or attorney.

* * * * *

Dated: March 14, 1990.

Dick Thornburgh,

Attorney General.

[FR Doc. 90-6475 Filed 3-21-90; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch I

[Summary Notice No. PR-90-4]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 26, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 14, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Rulemaking

Docket No.: 26139
Petitioner: Mr. Nick Pittenger
Regulations Affected: 14 CFR 121.317(g)
Description of Petition: The petitioner requests that no person may smoke on the flight deck without the permission of each flight deck crewmember.
Petitioner's Reason for the Request: The petitioner believes that any flight deck crewmember who is a non-smoker should have the right to a smoke-free working environment.

Docket No.: 25505
Petitioner: Mr. Ken J. Rabalais
Regulations Affected: 14 CFR 121.310, 121.321, 121.571, and 135.117
Petitioner's Request: To require air carriers to institute an emergency procedures "Passenger Awareness Check" (PAC) developed by Mr. Rabalais. The petitioner refers to the PAC as the "Rabalais Silent Safety Review."
Disposition: Denied, December 8, 1989

[FR Doc. 90-6481 Filed 3-21-90; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-16-AD]

Airworthiness Directives; SAAB-Scania Model SF-340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain SAAB-Scania Model SF-340A series airplanes, which would require removal of four fasteners in the lower part of the wing/fuselage attachment fitting at Wing Station 42.3; enlargement of the holes; inspection to detect cracks; repair if cracks are found; and installation of oversize fasteners. This proposal is prompted by a report of fatigue damage in the four fastener positions in the lower part of the wing/fuselage attachment fitting at Wing Station 42.3 (both wings) that occurred during airframe fatigue testing. This condition, if not corrected, could result in reduced structural integrity of the wings.

DATES: Comments must be received no later than May 14, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-16-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from SAAB-Scania AB, Product Support, S-581 88, Linköping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM-113; telephone 431-1978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 90-NM-16-AD." The postcard will be date/time stamped and returned to the commenter.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority of Sweden, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Model SF-340A series airplanes. During airframe fatigue testing, the manufacturer observed fatigue damage in the four fastener positions in the lower part of the wing/fuselage attachment fitting at Wing Station 42.3 (both the left and right wings). This condition, if not corrected, could result in reduced structural integrity of the wings.

SAAB-Scania has issued Service Bulletin 340-75-017, dated December 1, 1989, which describes procedures for removing four fasteners in the lower part of the wing/fuselage attachment fitting at Wing Station 42.3; enlarging the holes; inspecting for cracks using a non-destructive testing method (eddy current); enlarging the holes further, if necessary; and installing oversize fasteners. The LFV has classified this

service bulletin as mandatory and has issued Airworthiness Directive SAD No. 1–035 addressing this subject.

This airplane model is manufactured in Sweden and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require an inspection to detect cracks in the wing/fuselage attachment fitting, and repair, if necessary; and restoration of the lower fastener positions in the rear spar web and lower rear spar cap at Wing Station 42.3 (left and right wings); in accordance with the service bulletin previously described.

It is estimated that 67 airplanes of U.S. registry would be affected by this AD, that it would take approximately 16 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The estimated cost for the required modification kits is $155. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $53,265.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

SAAB-Scania: Applies to Model SF–340A series airplanes, Serial Numbers 004 through 108, inclusive, certificated in any category. Compliance is required prior to the accumulation of 16,000 landings or within 30 days after the effective date of this AD, whichever occurs later, unless previously accomplished.

To prevent fatigue damage and reduced structural integrity of the wings, accomplish the following:

A. Remove the four fasteners in the lower part of the wing/fuselage attachment fitting at Wing Station 42.3 (left and right wings), enlarge the holes and inspect for cracks, using a non-destructive testing method (eddy current), in accordance with SAAB-Scania Service Bulletin 340–57–017, dated December 1, 1989.

1. If no cracks are found, prior to further flight, install oversize fasteners in accordance with the service bulletin.

2. If cracks are found, prior to further flight, further enlarge the holes and install oversize fasteners, in accordance with the service bulletin. The holes may be enlarged up to 0.264/0.262 inch (6,706/6,655 mm).

3. If cracks are still found following the maximum reaming allowed, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to SAAB-Scania, Product Support, S–581.88, Linköping, Sweden. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–6491 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–15–AD]

Airworthiness Directives; SAAB-Scania Model SF–340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain SAAB-Scania Model SF–340A series airplanes, which would require an eddy current inspection to detect cracks in the horizontal stabilizer, and repair, if necessary; and reinforcement of the horizontal stabilizer. This proposal is prompted by a report of damage to the front and rear spar of the horizontal stabilizer that occurred during airframe fatigue tests. This condition, if not corrected, could result in reduced structural integrity of the horizontal stabilizer.

DATES: Comments must be received no later than May 14, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–15–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from SAAB-Scania AB, Product Support, S–581.88, Linkoping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM–113; telephone 431–1978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:
Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 90–NM–15–AD." The postcard will be date/time stamped and returned to the commenter.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority of Sweden, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Model SF–340A series airplanes. During airframe fatigue testing, the manufacturer observed damage in the front and rear spar of the horizontal stabilizer. This condition, if not corrected, could result in reduced structural integrity of the horizontal stabilizer.

SAAB-Scania has issued Service Bulletin 340–55–013, dated December 1, 1989, which describes procedures to conduct an eddy current inspection to detect cracks in the horizontal stabilizer, and repair, if necessary; and procedures to reinforce the horizontal stabilizer. The LFV has classified this service bulletin as mandatory and has issued Airworthiness Directive SAD No. 1–035 addressing this subject.

This airplane model is manufactured in Sweden and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require an eddy current inspection to detect cracks in the horizontal stabilizer, and repair, if necessary; and reinforcement of the horizontal stabilizer; in accordance with the service bulletin previously described.

It is estimated that 79 airplanes of U.S. registry would be affected by this AD, that it would take approximately 250 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The estimated cost for the required modification kit is $5,000. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,185,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

SAAB-Scania: Applies to Model SF–340A series airplanes, Serial Numbers 004 through 138, inclusive, certificated in any category. Compliance is required prior to the accumulation of 16,000 landings or within 90 days after the effective date of this AD, whichever occurs later, unless previously accomplished.

To prevent reduced structural integrity of the horizontal stabilizer, accomplish the following:

A. Perform an eddy current inspection to detect cracks in the horizontal stabilizer, in accordance with SAAB-Scania Service Bulletin 340–55–013, dated December 1, 1989. If cracks are detected, repair prior to further flight, in accordance with the service bulletin.

B. Reinforce the horizontal stabilizer in accordance with SAAB-Scania Service Bulletin 340–55–013, dated December 1, 1989.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to SAAB-Scania, Product Support, S–581.88, Linkoping, Sweden. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–6492 Filed 3–21–90; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 90-ASW-11]

Airworthiness Directives; Bell Helicopter Textron, Inc. (BHTI) Model 47G2, 47G2A, 47G2A1, 47G3, 47G3B1, 47G3B2, 47G3B2A, 47G4, 47G4A, 47G5, 47G5A, 47J, 47J2, and 47J2A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a one-time visual inspection of the main rotor (M/R) grips on certain BHTI Model 47 helicopters to identify a specific serial number group of M/R grips that were produced and distributed without FAA approval. The proposed AD is needed to detect and remove potentially unsafe M/R grips from service. The failure of a M/R grip could result in a catastrophic failure of the M/R system and subsequent loss of the helicopter.

DATES: Comments must be received on or before May 7, 1990.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, Fort Worth, Texas 76193-0007, Docket Number 90-ASW-11, or delivered in duplicate to 4400 Blue Mound Road, Room 158, Building 3B, of the Rules Docket at the above address. Comments delivered must be marked: Docket No. 90-ASW-11. Comments may be inspected at the above location in Room 158, Building 3B, between 8 a.m. and 4 p.m., weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Gary B. Roach, Rotorcraft Directorate, Rotorcraft Certification Office, ASW-170, FAA, Southwest Region, Fort Worth, Texas 76193-0170, telephone (817) 624-5179.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Regional Rules Docket, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Room 158, Building 3B, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 90-ASW-11." The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that Imperial Tool Inc., a vendor to BHTI, has produced and directly distributed 156 M/R grips that were not FAA approved. The direct distribution of these unapproved M/R grips bypasses a required quality control inspection system. As a result, these M/R grips are potentially unsafe and must be removed from service.

Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require a one-time visual inspection of all M/R grips and removal of unapproved M/R grips installed on BHTI Model 47G2, 47G2A, 47G2A1, 47G3, 47G3B1, 47G3B2, 47G3B2A, 47G4, 47G4A, 47G5, 47G5A, 47J, 47J2, and 47J2A helicopters.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation involves 1,988 helicopters. The cost for the inspection of all of these aircraft would be approximately $17,395. If a M/R grip is replaced, the approximate cost for parts and labor would be $3,266 per helicopter. The total economic impact, including the inspection of all affected helicopters and replacement of the 156 unapproved M/R grips, would be approximately $526,891. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR 39) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Bell Helicopter Textron, Inc.: Applies to Model 47G2, 47G2A, 47G2A1, 47G3, 47G3B1, 47G3B2, 47G3B2A, 47G4, 47G4A, 47G5, 47G5A, 47J, 47J2, and 47J2A helicopters, certificated in any category, with main rotor (M/R), part number (P/N) 47-120-252-11, installed. (Docket No. 90-ASW-11)

Compliance is required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the M/R grip, which could result in loss of the helicopter, accomplish the following:

(a) Visually inspect the M/R grip and determine if one of the following serial numbers is installed:

IT—0251, 0253, 0254, 0255, 0256, 0257, 0260, 0261, 0262, 0263, 0264, 0265, 0267, 0268, 0270, 0271, 0272, 0273, 0274, 0275, 0276, 0277, 0278, 0279, 0280, 0281, 0282, 0284, 0285, 0286, 0289, 0290, 0291, 0293, 0294, 0295, 0296, 0297, 0299, 0300, 0302, 0303, 0306, 0308, 0312, 0313, 0315, 0316, 0317, 0319, 0323, 0324, 0326, 0327, 0328, 0329, 0330, 0333, 0334, 0335

ITM—0005, 0007, 0022, 0046, 0077, 0096, 0109, 0112, 0114, 0115, 0125, 0128, 0133, 0155, 0161, 0165, 0166, 0167, 0168, 0170, 0171, 0178, 0182, 0183, 0185, 0187, 0189, 0191, 0192, 0194, 0197, 0198, 0202, 0204, 0211, 0212, 0218, 0234, 0235, 0236, 0237, 0238, 0239, 0240, 0241, 0242, 0243, 0244, 0245, 0246, 0248, 0249, 0250, 0251, 0252, 0253, 0255, 0256, 0257, 0258, 0259, 0261, 0262, 0263, 0264, 0265, 0266, 0267, 0269, 0270, 0271, 0272, 0273, 0274, 0275, 0276, 0277, 0278, 0279, 0280, 0281, 0282, 0283, 0284, 0286, 0287, 0288, 0289, 0290, 0291, 0292, 0293, 0294, 0295, 0296, 0297

(b) If one of the M/R grips listed in paragraph (a) is installed, remove and replace with a serviceable part.

(c) An alternate method of compliance which provides an equivalent level of safety with this AD may be used when approved by the Manager, Rotorcraft Certification Office, Federal Aviation Administration, Fort Worth, Texas, 76193–0170, telephone (817) 624–5170.

Note: If any of the M/R grips identified in paragraph (a) are found, either installed or as spares, the FAA recommends that the parts be permanently marked or defaced so that they cannot be misconstrued as airworthy.

Issued in Fort Worth, Texas, on March 9, 1990.

A. J. Merrill,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 90–6493 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–26–AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which currently requires inspection, and repair, if necessary, of the main landing gear (MLG) wheel well pressure floor. This action would require additional inspections of airplanes on which the terminating modification had been installed in accordance with the existing AD; require inspections of additional airplanes which were modified in production; reduce the initial inspection threshold; and limit the time that blind rivets may be used. This proposal is prompted by several reports of cracking in areas adjacent to the modification. This condition, if not corrected, could result in loss of cabin pressurization.

DATES: Comments must be received no later than May 14, 1990.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–26–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Kathi N. Ishimaru, Airframe Branch, ANM–1205, Seattle Aircraft Certification Office; telephone (206) 431–1525. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–26–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On December 1, 1988, the FAA issued AD 88–26–02, Amendment 39–6089 (53 FR 50519; December 16, 1988), to require inspection, and repair, if necessary of the main landing gear (MLG) wheel well pressure floor. That action was prompted by several reports of cracks in the MLG wheel well pressure floor. This condition, if not corrected, could result in loss of cabin pressure.

An optional modification that terminated the repetitive inspection requirement was provided in AD 88–26–02. Airplanes line number 1433 through 1832 had this modification installed during manufacture and were not affected by the requirements of that AD.

Since issuance of that AD, there have been several reports of cracking in areas adjacent to the modification. Cracking has been attributed to fatigue. This condition, if not corrected, could result in loss of cabin pressure.

In addition, the FAA has determined that:

a. Blind fasteners have a limited fatigue life; therefore, they must be inspected at regular intervals for loose or missing fasteners, and replaced at 10,000 landings with solid fasteners.

b. The inspection threshold should be reduced from 30,000 flight cycles to 20,000 flight cycles, because cracks have been found on airplanes with 24,000 flight cycles.

The FAA has reviewed and approved Boeing Service Bulletin 727–53–0149, Revision 3, dated November 2, 1989, which describes procedures for inspections and repair of the MLG wheel well pressure floor.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 88–26–02 with a new airworthiness directive that would require additional inspections of previously modified airplanes (modified either in accordance with Boeing Service Bulletin 727–53–0149, Revision 2, or during production) to detect cracking in the pressure floor web at body station (BS) 930 and BS 940 between buttock lines (BL) 50 and 63, and repair, if necessary, in accordance with the service bulletin previously described. This proposal would provide terminating action through the incorporation of a preventative modification in accordance with Revision 3 of the Boeing service bulletin described above. Additionally, this proposal would limit the amount of time that blind fasteners may be used, and would require periodic inspections and eventual replacement of blind fasteners with solid fasteners. The proposal would also reduce the initial inspection threshold.

There are approximately 1,710 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 1,143 airplanes of U.S. registry would be affected by this AD, that it would take approximately 114 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $5,212,080.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-6089 (53 FR 50519; December 16, 1988), AD 88-26-02, with the following new airworthiness directive:

Boeing: Applies to all Model 727 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To detect cracks in the main landing gear (MLG) wheel well pressure floor, accomplish the following:

A. For airplanes line numbers 001 through 1432, perform a detailed visual, high frequency eddy current (HFEC), or dye penetrant inspection for cracks in the pressure floor, in accordance with Boeing Service Bulletin 727-53-0149, Revision 3, dated November 2, 1989, or earlier FAA-approved revisions. Accomplish the above inspection prior to the compliance time specified in paragraph A.1. or A.2., below, whichever occurs earlier:

1. Prior to the accumulation of 30,000 landings or 2,500 landings after January 20, 1989 (effective date of AD 88-26-02, Amendment 39-6084), whichever occurs later; or

2. Prior to the accumulation of 20,000 landings or 2,500 landings after the effective date of this AD, whichever occurs later.

B. For airplanes defined as Group 2 in Boeing Service Bulletin 727-53-0149, Revision 3, dated November 2, 1989, and as Group 1 that have been modified in accordance with Boeing Service Bulletin 727-53-0149, Revision 2, dated March 20, 1981: Prior to the accumulation of 20,000 landings since manufacture or within the next 2,500 landings after the effective date of this AD, whichever occurs later, perform a detailed visual, high frequency eddy current (HFEC), or dye penetrant inspection to detect cracks in the pressure floor, in accordance with Boeing Service Bulletin 727-53-0149, Revision 3, dated November 2, 1989.

C. Repeat the inspection required by paragraphs A. or B., above, at intervals as follows:

1. If the previous inspection was accomplished using a visual or dye penetrant inspection technique, the next inspection must be accomplished within 4,000 landings.

2. If the previous inspection was accomplished using an HFEC inspection technique, the next inspection must be accomplished within 5,000 landings.

D. If cracks are detected that do not exceed the limits listed in Table I in the Accomplishment Instructions of Boeing Service Bulletin 727-53-0149, Revision 3, dated November 2, 1989, prior to further flight, repair in accordance with the interim repair described in part II of the Accomplishment Instructions, or the permanent repair described in part III of the Accomplishment Instructions of the service bulletin. The interim repair must be replaced within 600 landings after accomplishment with the permanent repair.

E. If cracks are found that exceed the limits listed in Table I in the accomplishments instructions of Boeing Service Bulletin 727-53-0149, Revision 3, dated November 2, 1989, prior to further flight, accomplish the permanent repair described in part III of the Accomplishment Instructions of the service bulletin.

F. Blind fasteners installed in accordance with part III of Boeing Service Bulletin 727-53-0149, Revision 3, dated November 2, 1989, are to be used as an interim repair only. The blind fasteners have a life limit of 10,000 landings before they must be replaced with solid fasteners in accordance with part III of the service bulletin. The blind fasteners must be inspected for loose or missing fasteners after accumulating 3,000 landings since installation or 1,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 2,500 landings. Blind fasteners installed prior to the effective date of this AD must be replaced prior to the accumulation of 10,000 landings or within 3,000 landings after the effective date of this AD, whichever occurs later.

G. Incorporation of the permanent repairs in accordance with paragraph D. or E., above, terminates the repetitive inspection requirements of paragraph C., above, for that area. Incorporation of the preventative modification in part IV. in the Accomplishment instructions of Boeing Service Bulletin 727-53-0149, Revision 3, dated November 2, 1989, terminates the repetitive inspection requirement of paragraph C., above.

H. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Seattle Aircraft Certification Office.

I. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 13, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6495 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-34-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series, DC-9-80 Series, MD-88, and C-9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC-9 Series, DC-9-80 Series, MD-88, and C-9 (Military) series airplanes, which would require replacement of a certain lap belt at the forward cabin attendant double seat. This proposal is prompted by a report that the outboard attendant lap seat belt connection half can inadvertently be thrown into the lower hinge of the passenger entrance door and obstruct opening of the door. This condition, if not corrected, could

result in delayed evacuation of passengers in an emergency situation.

DATES: Comments must be received no later than May 14, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-34-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846; ATTN: Business Unit Manager, Technical Publications, C1-HCW (54-60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Aerospace Engineer, Los Angeles Aircraft Certification Office, Systems and Equipment Branch, ANM-131L, FAA, Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5355.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-34-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

During an interior inspection of a McDonnell Douglas Model DC-9 series airplane, it was noted that the outboard flight attendant lap belt connector half could inadvertently be thrown into the lower hinge of the passenger entrance door and interfere with full opening of the door. This condition, if not corrected, could delay evacuation of passengers in an emergency situation.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin A25-311, dated January 31, 1990, which describes procedures for removing the existing AM-SAFE or DAVIS lap belts on the forward cabin attendant dual seat, outboard position, and replacing them with new part number lap belts that utilize shorter belt halves.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require modification of the subject lap belts in accordance with the service bulletin previously described.

There are approximately 450 McDonnell Douglas Model DC-9 Series, DC-9-80 Series, MD-88, and C-9 (Military) series airplanes of the affected design in the worldwide fleet. It is estimated that 375 airplanes of U.S. registry would be affected by this AD, that it would take approximately 0.6 manhour per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The cost of parts to accomplish this modification would be reimbursed by the manufacturer. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $9,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9 Series, DC-9-80 Series, MD-88, and C-9 (Military) series airplanes, as listed in Service Bulletin A25-311, dated January 31, 1990, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent the lap belt connector from jamming the passenger entrance door hinge, accomplish the following:

A. Within six months after the effective date of this AD, modify the forward cabin attendant dual seat, outboard position, lap belt restraint system, in accordance with the Accomplishment Instructions, Paragraph 2., of McDonnell Douglas Service Bulletin A25-311, dated January 31, 1990.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846; ATTN: Business Unit Manager, Technical

Publications, C1–HCW (54–60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–6494 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–25–AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to Boeing Model 727 series airplanes, which currently requires either an internal or external inspection for cracks, and repair, if necessary, of the forward cargo compartment sidewall frames. This action would require repetitive inspections of airplanes that have had the terminating modification installed in accordance with the existing AD, and would eliminate the option of an external inspection. This proposal is prompted by a reassessment of the external inspection procedure and the need for post-modification inspections. This condition, if not corrected, could result in failure of the forward fuselage frames and de-pressurization of the aircraft.

DATES: Comments must be received no later than May 14, 1990.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–25–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Kathi N. Ishimaru, Airframe Branch, ANM–120S; telephone (206) 431–1525. FAA Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–25–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On January 17, 1983, the FAA issued AD 83–02–08, Amendment 39–4548 (48 FR 6955; February 17, 1983), to require either an external visual inspection or an internal visual inspection, and repair if necessary, of the forward cargo compartment sidewall frames. That AD also provided an optional modification of the structure which, if installed, constituted terminating action for the required inspections. That action was prompted by reports of fatigue cracks detected on the Boeing Model 727 fatigue test airplane at the manufacturer's facility and on in-service Model 727 airplanes. This condition, if not corrected, could result in failure of the forward fuselage frames and depressurization of the aircraft.

Since issuance of that AD, the FAA has reassessed the need for post-modification inspections and the appropriateness of the external inspection. Analysis indicates that cracks may form after the structure is modified in accordance with the existing AD. Therefore, the FAA has determined that repetitive inspections of the modified structure are necessary to maintain the structural integrity of the airplane. In addition, the FAA has determined that the external inspection of the skin is inadequate because it will only detect the effects of a severely cracked frame.

The FAA has reviewed and approved Boeing Service Bulletin 727–53–0068, Revision 4, dated September 14, 1989, which describes procedures for inspections, modification, and repair of the forward cargo compartment sidewall frames.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 83–02–08 with a new airworthiness directive that would require inspections and repair, if necessary, of the forward cargo compartments sidewall frames, in accordance with the service bulletin previously described.

There are approximately 479 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 387 airplanes of U.S. registry would be affected by this AD, that it would take approximately 76 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,176,480.00.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the

regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-4548 (48 FR 6955; February 17, 1983), AD 83-02-08, with the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes, listed in Boeing Service Bulletin 727-53-0068, Revision 4, dated September 14, 1989, certificated in any category. Compliance required as indicated, unless previously accomplished.

To detect cracks in the forward cargo compartment sidewall frames, accomplish the following:

A. Except as provided in paragraph B., below, conduct a close visual internal inspection for cracks of the forward cargo compartment sidewall frames, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 727-53-0068, Revision 4, dated September 14, 1989. Accomplish the initial inspection in accordance with the compliance times as specified below:

1. For airplanes on which neither an initial internal inspection nor external inspection has previously been accomplished in accordance with AD 83-02-08, Amendment 39-4548: prior to the accumulation of 15,600 total flight cycles or within the next 2,000 flight cycles after the effective date of this AD, whichever occurs later.

2. For airplanes on which the last inspection in accordance with AD 83-02-08, Amendment 39-4548, was an internal inspection: prior to the accumulation of 9,000 flight cycles since that inspection.

3. For airplanes on which the last inspection in accordance with AD 83-02-08, Amendment 39-4548, was an external inspection: within 1,000 flight cycles after the effective date of this AD.

Repeat this close visual internal inspection at intervals not to exceed 9,000 flight cycles.

B. For airplanes on which the affected structure has been modified in accordance with the Accomplishment Instructions of the Boeing Service Bulletin 727-53-0068, Revision 4, dated September 14, 1989, or earlier FAA-approved revisions: Prior to accumulating 20,000 flight cycles after the modification, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, conduct a close visual internal inspection as required by paragraph A., above. Repeat this inspection at intervals not to exceed 9,000 flight cycles.

C. Repair cracked structure prior to further flight, in accordance with the Accomplishment Instructions of the Boeing Service Bulletin, 727-53-0068, Revision 4, dated September 14, 1989, or earlier FAA-approved revisions.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Seattle Aircraft Certification Office.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 14, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-6519 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-13-M

SUSQUEHANA RIVER BASIN COMMISSION

18 CFR Part 803

Public Hearing Notice

AGENCY: Susquehanna River Basin Commission (SRBC).

ACTION: Notice of public hearing on proposed rules.

SUMMARY: The Commission will hold a public hearing on proposed rules regarding its regulations and procedures for review of projects as part of its regular meeting.

DATES: The hearing will be held on May 10, 1990.

ADDRESSES: The hearing will be held at the Lodge on the Green, Rtes. 15 & 417, Painted Post, N.Y. beginning at 9 a.m.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, Secretary to the Commission, SRBC, 1721 N. Front St., Harrisburg, Pa. 17102-2391, Telephone: (717) 238-0423.

SUPPLEMENTARY INFORMATION: The Commission will hold a public hearing on certain proposed amendments to its "Regulations & Procedures for Review of Projects" on Thursday, May 10, 1990 at the Lodge on the Green, Painted Post, N.Y. The hearing will be held in conjunction with the regular business meeting of the Commission which begins at 9 a.m. The proposed amendments were published in the Federal Register on August 11, 1989, Vol. 54, No. 154 at page 33036. They have also appeared in the New York Register on August 23, 1989, Vol. XI, Issue 34 at page 92 and in the Pennsylvania Bulletin on February 3, 1990, Vol. 20, No. 5, at page 513. Persons wishing to have a copy of the proposed amendments prior to the hearing should contact either Richard A. Cairo or Deborah J. Dickey at the above referenced address and telephone.

The "Regulations & Procedures for Review of Projects," which are codified at 18 CFR part 803, constitute the authority under which the Commission carries out its project review responsibilities pursuant to the Susquehanna River Basin Compact, Pub. L. 91-575. The purpose of the amendments are twofold: (1) To clarify the language of some sections in order to improve their administration and avoid confusion on the part of project sponsors; and (2) To update other sections of the regulations in order to correct deficiencies and meet new conditions. The Commission is not legally required to hold public hearings on this proposed rulemaking action, but wishes to do so to afford maximum opportunity for public participation and comment.

The May 10, 1990 hearing will be informal in nature. Interested parties are invited to attend the hearing and to participate by making oral or written statements presenting their data, views and comments on the proposed amendments. Those wishing to personally appear to present their views are urged to notify the Commission in advance that they desire to do so. However, any person who wishes to be heard will be given opportunity to be heard whether or not they have given such notice. After the hearing, the Commission will evaluate all relevant material and decide whether to adopt

the amendments as originally proposed or further modify them.

Dated: March 13, 1990.

Robert J. Bielo,

Executive Director.

[FR Doc. 90-6300 Filed 3-21-90; 8:45 am]

BILLING CODE 7040-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

RIN 1010-AB 35

Assessment for Failure to Submit Payment of Proper Amount With Report or Bill or to Provide Adequate Information

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: The Minerals Management Service (MMS) is proposing to amend its regulations to provide for a new assessment amount not to exceed $250 per incident that may be charged to payors each time that a payment cannot be matched to a report document (Form MMS-2014 or MMS-4014) or copy of a Bill for Collection because of computational errors in the amount shown on the documents provided by the payor. The new assessment may also apply each time that the payment cannot be automatically applied to the proper report or bill by the MMS Auditing and Financial System (AFS) due to inadequate or erroneous information from the payor. The new assessment would apply to all reports, bills, and payments processed by the MMS AFS. The proposed rulemaking is necessary to provide for a new assessment against payors to encourage better reporting and payment practices and to improve the efficiency of MMS's disbursement of royalties and other monies to States and Indians.

DATES: Written comments must be received on or before May 21, 1990.

ADDRESSES: Written comments may be mailed to the Minerals Management Service, Royalty Management Program, Rules and Procedures Branch, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 662, Denver, Colorado 80225, Attention: Dennis C. Whitcomb.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch at (303) 231-3432 or (FTS) 326-3432.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rule is Marvin D. Shaver of the Rules and Procedures Branch, Royalty Management Program, MMS.

I. Background

Pursuant to 30 CFR part 210, lessees and other royalty payors on Federal and Indian oil and gas leases are required to submit certain forms and reports to MMS. Pursuant to 30 CFR 210.52, a completed Report of Sales and Royalty Remittance (Form MMS-2014, OMB No. 1010-0022) must accompany all payments for oil and gas royalties to MMS. Similarly, for solid minerals leases, pursuant to 30 CFR 210.202, a Report of Sales and Royalty Remittance—Solid Minerals (Form MMS-4014, OMB No. 1010-0064) must accompany royalty payments. However, the requirement that the payment accompany the Form MMS-2014 or MMS-4014 does not apply if the payment is made by Electronic Funds Transfer (EFT) or if the payment is remitted directly to an Indian lockbox.

A Bill for Collection is issued by MMS to notify a payor of assessments, late-payment interest charges, or other amounts owed. Bills are also issued to purchasers of royalty oil under the Government's Royalty-in-Kind (RIK) program. Instructions are included with each bill requesting that a copy of the bill accompany the payment remitted to MMS.

The reports and bills are part of MMS's automated royalty accounting system, the AFS. A receivable from the payor is created in the AFS when a payor reports royalty due or when a bill is entered in the AFS and issued to the payor. From the information entered into the AFS with respect to the royalty report, or bill or payment, the AFS automatically matches and applies each payment to its corresponding report or bill. If a payment cannot be automatically matched and applied by the AFS to a report or bill because of inadequate or erroneous information, it must be manually matched and applied by MMS personnel.

If the payment is made by EFT, MMS receives a transmittal message of the payment from the Federal Deposit System. If the payment is remitted directly to an Indian lockbox, MMS receives notification of receipt of the payment from the financial institution involved. The information on EFT and lockbox payments is entered into the AFS upon receipt by MMS.

If a specific report/bill has not had a payment applied, it remains as an unpaid receivable balance, even though the payment may have been received by MMS. This situation may result if the payment: (1) Cannot be automatically applied by the AFS to the proper report or bill because of inadequate or erroneous information provided by the payor, such as missing data or incorrect data; or (2) cannot be matched to a report or bill because of computational errors in the amount shown on the documents provided by the payor. If a report or bill remains unpaid, MMS initiates debt collection followup procedures. After the payment is received and matched to the report or bill, the receivable is closed.

The manual matching by MMS personnel of payments to reports and bills results in MMS incurring substantial costs so that the AFS can operate properly to account for and distribute royalties. This situation also delays the payment application process and can result in delay in distribution of royalties and related information to States and Indian Tribes and allottees.

To recover costs related to manually matching of payments to reports or bills, and to encourage more careful preparation of reports and payments by payors, MMS is proposing to amend its regulations to add a new assessment that may be charged each time a payment cannot be matched to a report document (Form MMS-2014 or MMS-4014) or copy of a Bill for Collection because of computational errors in the amount shown on the documents provided by the payor. The new assessment would encourage payors to submit their payment, when required, together with the applicable report or copy of the bill and for the same amount as the report or bill. The new assessment would also encourage payors to adequately identify payments to the report or bill to be paid.

II. Proposed Rule

The MMS is proposing to add a new § 218.41 under subpart A of part 218 to provide for the new assessment amount not to exceed $250 per incident. Under the proposed rule, payors may be assessed a fixed amount each time a payment: (1) Cannot be automatically applied by the AFS to the proper report or bill because of inadequate or erroneous information provided by the payor, such as no payor code, an incorrect payor code, or no payor assigned document number; or (2) cannot be matched to a report or bill because of computation errors in the amount shown on documents provided by the payor. The assessment is necessary to cover the administrative cost of manual effort required to follow up on the documents and process the payment in the AFS and to encourage more careful preparation of reports and payments by the payor.

The amount of the new assessment will be established prior to adoption of the final rule, and periodically thereafter by MMS based on its experience with costs of the effort required to manually match and apply payments to reports and bills. Under the final rule, MMS would publish a Notice in the Federal Register establishing or revising the assessment amount as required. For example, if in the preceding 12-month reporting period the total assessments collected for the violation(s) significantly exceed the costs of manually applying payments to reports and bills, MMS would publish a Notice to revise the assessment amount to bring the costs and the liquidated damages into parity. Based upon the most recent analysis, the assessment amount would be set at $100 per incident.

For purposes of reports required for the AFS, a report is defined in § 218.40(c) as each line item on a Form MMS–2014 or Form MMS–4014. However, for the purpose of this new assessment, MMS is proposing that the assessment apply to the total and complete Form MMS–2014 or Form MMS–4014 and not to an individual line item on the form. Similarly, the proposed assessment would apply to a total and complete Bill for Collection issued to a payor or purchaser of RIK oil, a copy of which should accompany the remitted payment.

The proposed assessment would also apply to the following authorized payment documents identified in § 218.51(a)(3):

(i) Federal Reserve check.
(ii) Commercial check (drawn on a solvent bank).
(iii) Money order.
(iv) Bank draft (drawn on a solvent bank).
(v) Cashier's check.
(vi) Certified check.
(vii) Electronic Funds Transfer.

Section 218.40 of MMS regulations provides for assessments for incorrect or late reports and failure to report, and § 218.54 provides for the assessment of interest for late and underpayment of amounts due. The proposed new assessment is in addition to the assessments provided for in §§ 218.40 and 218.54.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the **ADDRESSES** section of this preamble. Comments must be received on or before the day specified in the **DATES** section of this preamble.

III. Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

The Department has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The proposed rulemaking is necessary to provide for a new assessment against payors to encourage better reporting and payment practices and to improve the efficiency of MMS's disbursement of royalties and other monies to States and Indians.

Executive Order 12630

The rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared pursuant to Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

Paperwork Reduction Act of 1980

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

National Environmental Policy Act of 1969

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)] is not required.

List of Subjects in 30 CFR Part 218

Coal, Continental shelf, Electronic funds transfer, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands-mineral resources, Reporting and recordkeeping requirements.

Dated: January 19, 1990.

Scott Sewell,

Deputy Assistant Secretary—Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR part 218 is proposed to be amended as set forth below:

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES, AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

1. The authority citation for part 218 is revised to read as follows:

Authority: 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 31 U.S.C. 9701; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. A new § 218.41 is added under subpart A of part 218 to read as follows:

§ 218.41 Assessment for failure to submit payment of proper amount with report or bill or to provide adequate information.

(a) An assessment of an amount not to exceed $250 per incident may be charged for each payment document received by the Minerals Management Service (MMS) which is incorrectly completed or is submitted without the accompanying report document or copy of the bill, when required.

(b) An assessment of an amount not to exceed $250 per incident may be charged for each report document or copy of a bill that is received by MMS without the accompanying payment document, when required.

(c) An assessment of an amount not to exceed $250 per incident may be charged where the amount from the payment document and the totals from the report document or copy of the bill are not equivalent.

(d) An assessment of an amount not to exceed $250 per incident may be charged for each payment document that cannot be automatically applied by the MMS Auditing and Financial System (AFS) to the proper Form MMS–2014 (Report of Sales and Royalty Remittance) or Form MMS–4014 (Report of Sales and Royalty Remittance—Solid Minerals) or Bill for Collection because of inadequate or erroneous information from the payor. Inadequate or erroneous information includes, but is not limited to, absent or incorrect payor code on the payment document and/or report or bill, or an absent or incorrect payor assigned document number.

(e) For purposes of this section, a report document is defined as a total and complete Form MMS–2014 or Form MMS–4014. The report document consists of one or more line items of information reported by the payor.

(f) For purposes of this section, a bill is defined as any Bill for Collection that has been issued by MMS for assessments, late-payment interest charges, or other amounts owed.

(g) For purposes of this section, a payment document is defined as one of the payment methods identified in § 218.51(a)(3) of this part.

(h) An assessment under this section shall not be shared with a State, Indian Tribe, or Indian allottee.

(i) The amount of the assessment to be imposed pursuant to paragraphs (a), (b), (c) and (d) of this section shall be established periodically by MMS. The assessment amount for each incident will be based on MMS's experience with costs and improper paying or reporting. The MMS will publish a Notice of the assessment amount to be applied in the **Federal Register** prior to the effective date of the new assessment.

[FR Doc. 90-6467 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Missouri Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of comment period.

SUMMARY: OSM is announcing receipt of additional explanatory information pertaining to previously proposed amendments to the Missouri permanent regulatory program (hereinafter, the "Missouri program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is also combining the bond related provisions of these amendments into one decision document. This additional information pertains only to a public hearing and responses to that hearing on Missouri's alternative bonding system.

The amendment is intended to revise the State program to be consistent with the corresponding Federal standards and at the State's own initiative to improve its program.

This notice sets forth the times and locations that the Missouri program, proposed amendments to that program, and additional information are available for public inspection. This notice also reopens the comment period during which interested persons may submit written comments on the proposed amendments.

DATES: Written comments must be received on or before 4 p.m., c.d.t. April 6, 1990.

ADDRESSES: Written comments should be mailed or hand delivered to William J. Kovacic at the address listed below.

Copies of the Missouri program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Kansas City Field Office.

William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 1103 Grand Avenue, Room 502, Kansas City, MO 64106, Telephone: (816) 374-6405

Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102, Telephone: (314) 751-4041.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Kansas City Field Office at (816) 374-6405.

SUPPLEMENTARY INFORMATION:

I. Background on the Missouri Program

On November 21, 1980, the Secretary of Interior conditionally approved the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Missouri program can be found in the November 21, 1980, **Federal Register** (45 FR 77017). Subsequent actions concerning Missouri's program and program amendments can be found at 30 CFR 925.12, 925.15, and 925.16.

II. Proposed Amendment

By letter dated March 18, 1988 (Administrative Record No. MO-371), July 8, 1988 (Administrative Record No. MO-388), and January 12, 1989 (Administrative Record No. MO-410), Missouri proposed revisions to its program pursuant to SMCRA. Missouri submitted the proposed revisions (1) in response to a January 30, 1986, letter from OSM sent in accordance with 30 CFR 732.17(c) concerning its alternative bonding system and (2) at its own initiative.

The regulations that Missouri proposes to amend from its March 18, 1988, amendment are: 10 CSR 40-7.011(2)(D), (E), and (F), Requirement to File a Bond. The amendment of July 8, 1988, proposes to amend the Revised Statutes of Missouri (MO Rev. Stat.) at sections: 444.805, Definitions; 444.830, Bond Required; 444.950, Pit Reclamation; 444.960, Coal Mine Land Reclamation Fund; and 444.965, Fund Assessments. The amendment of January 12, 1989, proposes to amendment Missouri's regulations at: CSR 40-7.011, Bond Requirements; 10 CSR 40-7.021, Duration and Release of Reclamation Liability; 10 CSR 40-7.031, Permit Suspension or Revocation, Bond Forfeiture, and Authorization To Expend Reclamation Fund Monies; 10 CRS 40-7.041, Form and Administration of the Coal Mine Land Reclamation Fund.

OSM published a notice in the May 3, 1988, **Federal Register** (53 FR 15702) announcing receipt of the March 18, 1988, amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. MO-382). The public comment period ended June 2, 1988.

During its review of the amendment, OSM identified a concern relating to 10 CSR 40-7.011(2)(F), Requirement To File a Bond. OSM notified Missouri of the concern by letter dated August 18, 1989 (Administrative Record No. MO-460). Missouri responded in a letter dated August 30, 1989 (Administrative Record No. MO-470), that the concern would be addressed in a later rulemaking.

OSM published a notice in the August 12, 1988, **Federal Register** (53 FR 30449) announcing receipt of the July 8, 1988, amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. MO-397). The public comment period ended September 12, 1988.

During its review of the amendment OSM identified a concern relating to Mo. Rev. Stat. Section 444.805.15, Definitions. OSM notified Missouri of the concern by letter dated November 29, 1988 (Administrative Record No. MO-427). Missouri responded in a letter dated December 30, 1988 (Administrative Record No. MO-411), that it disagreed with OSM's concern. By telephone conversation of January 19, 1989, OSM discussed the concern with Missouri and Missouri agreed to address the concern in a later rulemaking (Administrative Record No. MO-415).

OSM published a notice in the February 10, 1989, **Federal Register** (54 FR 6423) announcing receipt of the January 12, 1989, amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. MO-447). The public comment period ended March 13, 1989.

During its review of the amendment, OSM identified concerns relating to 10 CSR 40-7.011(5) (D) 2D (I), Self Bonding; 10 CSR 40-7.011(5) (D) 5A and B, Self Bonding; 10 CSR 40-7.011(5) (D) 8, Self Bonding; 10 CSR 40-7.021(2) (A), Criteria and Schedule for Release of Reclamation Liability; 10 CSR 40-

7.021(2) (B) 4 and (C), Criteria and Schedule for Release of Reclamation Liability; and 10 CSR 40–7, Bonding. OSM notified Missouri of its concerns by letter dated June 5, 1989 (Administrative Record No. MO–441). Missouri responded in a letter dated July 11, 1989 (Administrative Record No. MO–448), that, with the exception of three concerns, the concerns would be addressed in a later rulemaking. Missouri asked for additional clarification of the concerns at 10 CSR 40–7.011(5) (D) 8 and 10 CSR 40–7.021(2) (B) 4 and (C). Based on discussions with OSM it was determined that Missouri would address the concern at 10 CSR 40–7.011(5) (D) 8 in a later rulemking and that Missouri did not have to address the concern at 10 CSR 40–7.021(2) (B) 4 and (C). Missouri addressed the third concern at 10 CSR 40–7, Bonding with a separate letter dated July 19, 1989 (Administrative Record No. MO–448).

OSM published a notice in the August 4, 1989, **Federal Register** (54 FR 32094) announcing receipt of the additional information on the January 12, amendment and inviting public comment on the adequacy of the additional information related to the proposed amendment (Administrative Record No. MO–461). The public comment period ended August 21, 1989.

OSM held a public meeting on October 5, 1989 (Administrative Record No. MO–480), allowing Missouri to answer remaining questions concerning the implementation of the proposed alternative bonding system. At the conclusion of this meeting OSM requested Missouri provide answers to five additional questions concerning the implementation of the alternative bonding system. Missouri responded to these questions by letter dated November 9, 1989 (Administrative Record No. MO–477). The public comment period is being reopened at this time so that the additional information related to this public hearing may be considered in the Director's decision on these amendments.

Due to the submission of Missouri's responses concerning its alternative bonding system in five separate amendments, OSM is deferring the approval of the bonding provisions of these last three amendments to one decision document. The Director's decision on the proposed alternative bonding decision will be based on all of the revisions and supporting materials submitted to OSM by Missouri.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Missouri program amendments to provide the public an opportunity to reconsider the adequacy of the amendments in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendments satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Missouri program.

Written comments should be specific, pertain only to the issue proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Kansas City Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

List of Subjects in 30 CFR Part 925

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 16, 1990.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

[FR Doc. 90–6548 Filed 3–21–90; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL–3747–6]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate two ocean dredged material disposal sites (ODMDS)—commonly named Southwest Navigation site and Eight-Mile site—located offshore of Grays Harbor, Washington, for the disposal of dredged material removed from the Federal navigation project at Grays Harbor, Washington. This action is necessary to provde acceptable ocean dumping sites for the current and future disposal of this material. The proposed designation of the Southwest Navigation site is for an indefinite period of time, but the site is subject to continuing monitoring to insure that unacceptable, adverse environmental impacts do not occur. Use of the Eight-Mile site is expected to be a one-time occurrence over two or three years. The proposed designation for this site is also indefinite, but EPA intends to dedesignate the site after dumping at the site has been completed and monitoring indicates that the material has stabilized.

DATES: Comments must be received on or before May 7, 1990.

ADDRESSES: Comments on this proposed rule should be sent to: John Malek, Ocean Dumping Coordinator, Region 10, WD–138.

The file supporting this proposed designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC.

EPA Region 10, 1200 Sixth Avenue, Seattle, Washington.

U.S. Army Corps of Engineers, North Pacific Division, U.S. Custom House, 220 Northwest Eighth, Portland, Oregon.

U.S. Army Corps of Engineers, Seattle District, 3755 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: John Malek, 206/442–1286.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator the authority to designate sites where ocean dumping may be permitted. On October 1, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter I, subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in part 228. A list of "Approved and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*) and was last updated on February 2, 1990 (55 FR 3688 *et seq.*). That list established this site an interim site. These site designations are being published as proposed rulemaking in accordance with § 228.4(e) of the Ocean Dumping Regulations, which permits the designation of ocean disposal sites for dredged material. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the address given above.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, (NEPA) requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EIS's in connection with ocean dumping site designations such as this. 39 FR 16186 (May 7, 1974).

The Corps of Engineers and EPA have prepared a final EIS supplement entitled "Grays Harbor, Washington, Navigation Improvement Project" which was published in February 1989. This document supplements and incorporates by reference a previous Corps EIS entitled, "Grays Harbor, Chehalis and Hoquiam Rivers, Washington, Channel Improvements for Navigation", which was published in September 1982. Subsequent to publication of the final EIS supplement, but prior to the Corps signing a Record of Decision (ROD), the presence of previously-undetected contaminants were found in Grays Harbor sediments. Upon receipt of this information, the Corps, in close cooperation with Region 10, EPA, and the Washington Department of Ecology (Ecology), initiated a program to collect and evaluate sediments from within the Federal navigation channel to determine if any of these sediments presented a threat to the environment or to human health. The results of this testing program were presented in a draft environmental assessment (EA) entitled "1989 Sediment Collection and Testing Program: Grays Harbor, Washington, Navigation Improvement Project", that was circulated to the public for review in December 1989. The final EA was released with a Finding of No Significant Impact (FONSI) signed by the Seattle District Commander on February 15, 1990. Reference to the EA and FONSI was included in the ROD for the EIS supplement which was signed by the North Pacific Division Commander on February 15, 1990. EPA was a cooperating agency in the preparation of the EIS supplement and worked cooperatively with the Corps on design of studies and interpretations of results that were contained in the EA. As allowed by NEPA and in conjunction with this rule, EPA adopts the final EIS supplement and EA to support these ODMDS designations. Anyone desiring a copy of the final documents may obtain them from the address given above. The public comment period for the final EIS supplement closed in June 1989; no comments were received on the ocean dumping or site designation aspects of the project. The comment period for the EA closed January 23, 1990. Seven letters of comment, including EPA's, were received. These six letters were furnished to and reviewed by EPA and the concerns expressed were considered by EPA in our response to the Corps. When final, this rule fills the same role as the ROD required under regulations promulgated by the Council on Environmental Quality for agencies subject to MEPA.

The action discussed in the final EIS supplement included designation for continuing use of one ocean disposal site for dredged material: The Southwest Navigation site. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal of dredged material. The appropriateness of ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal. Originally, the Eight-Mile site was to have been designated by the Corps using their authority under Section 103 of the MPRSA, with the concurrence of Region 10, EPA. As use was to have been one time, albeit spread over multiple years, formal designation of the Eight-Mile site by EPA was not considered necessary. However, in light of subsequent information, EPA decided that formal designation and post-disposal monitoring of the site was desirable. Accordingly, both sites are proposed for designation.

The EIS supplement discussed the need for the action and examines ocean disposal sites and alternatives to the proposed action, including land-based disposal options.

The EIS supplement and EA provide information to support designation of two ODMDS in the Pacific Ocean off the mouth of Grays Harbor in the State of Washington. The proposed ODMDS are new sites; no interim-designated sites exist for Grays Harbor. Site designation studies were conducted by the Seattle District, Corps of Engineers, in consultation with EPA Region 10. The two ODMDS have been judged to be environmentally acceptable and no significant or long-term adverse enviromental effects are predicted to result from the designations. Continuing use of the Southwest Navigation site is anticipated. The site would receive sediments dredged by the Corps to maintain the federally-authorized navigation project at Grays Harbor, Washington, and other dredged materials authorized in accordance with section 103 of the MPRSA. Before any disposal may occur, a specific evaluation by the Corps must be made using EPA's ocean dumping criteria. EPA makes an independent evaluation of the proposal and has the right to disapprove the actual disposal. To date, approval has been given for material dredged during initial construction of the Grays Harbor navigation project.

The study and final designation process are being conducted in accordance with the Act, the Ocean Dumping Regulation, and other applicable Federal environmental legislation.

C. Proposed Site Description

The proposed Southwest Navigation site is a parallelogram located approximately 3.9 nautical miles offshore and to the southwest of the entrance to Grays Harbor and occupies an area of about 1.25 square nautical miles. Water depths within the area average between 30 and 37 meters. The coordinates of the site are as follows:

46° 52.94'N., 124° 13.81'W.;
46° 52.17'N, 124° 12.96'W;
46° 51.15'N, 124° 14.19'W;
46° 51.92'N, 124° 14.96'W.

The proposed Eight-Mile site is a circle with a radius of 0.40 miles on a central coordinate of 56° 57'N, 124° 20.6'W., located approximately 7.1 nautical miles offshore and west-northwest of the entrance to Grays Harbor. The site occupies an area of about 0.5 square nautical miles. Water depths within the area average between 42 and 49 meters.

If at any time disposal operations at the sites cause unacceptable adverse impacts, further use will be restricted or terminated.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, the use of that site will be terminated as soon as suitable alternate disposal sites can be designated. The general criteria are

given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The proposed sites, as discussed below under the eleven specific factors, are acceptable under the five general criteria, except for the preference for sites located off the Continental Shelf. EPA has determined, based on the information presented in the final EIS supplement, that a site off the Continental Shelf is not feasible and that no environmental benefits would be realized by selecting such a site instead of those proposed in this action.

The characteristics of the proposed sites are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography, and distance from coast.* 40 CFR 228.6(a)(1). The Southwest Navigation site is a parallelogram located approximately 3.9 nautical miles offshore and to the southwest of the entrance to Grays Harbor and occupies an area of about 1.25 square nautical miles. Water depths within the area average between 30 and 37 meters. The coordinates of the site are as follows:

46° 52.94'N., 124° 13.81'W.;
46° 52.17'N, 124° 12.96'W;
46° 51.15'N, 124° 14.19'W;
46° 51.92'N, 124° 14.96'W.

The proposed Eight-Mile site is a circle with a radius of 0.40 miles on a central coordinate of 56° 57'N, 124° 20.6'W., located approximately 7.1 nautical miles offshore and west-northwest of the entrance to Grays Harbor. The site occupies an area of about 0.5 square nautical miles. Water depths within the area average between 42 and 49 meters.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult and juvenile phases.* 40 CFR 228.6(a)(2). Aquatic resources are described in detail in the final EIS supplement. The Southwest Navigation site is located in the nearshore oceanic environment and contains aquatic life characteristic of such regions along the coasts of the Pacific Northwest. Biological communities at the site do not appear to be unique or unusual. The dominant taxon within the site, *Owenia fusiformis*, is a tube-building polychaete that is abundant throughout the area. Juvenile crabs are known to use the site, especially during early summer,and initial construction disposal will be allowed only beyond the −120-foot (−37 m) contour during that season to avoid impacts to the resource. Monitoring planned during initial construction will determine when disposal of maintenance into the shallower portion of the site might acceptably occur.

The Eight-Mile site is located within a relict gravel deposit which contains no significant benthic fish or invertebrate community. The infaunal community is dominated by the polychaetes, *Mediomastus* spp., and has low biomass, abundance, and taxa richness.

3. *Location in relation to beaches and other amenity areas.* 40 CFR 228.6(a)(3). Both the Southwest Navigation and Eight-Mile sites are far enough removed that use would not affect these amenities.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.* 40 CFR 228.6(a)(4). The final designated sites will receive dredged materials transported by either government or private contractor hopper dredges or bottom-dump, sea-going barges towed by tugs. The dredges and barges would be under power and moving during disposal to maintain steerage. Specific information regarding quantities and sources of dredged material is contained in the EIS supplement, EA, and ROD for the navigation improvement project.

Briefly, approximately 2,250,000 cubic yards of initial construction material (consisting primarily of clean sand from the bar reach) would be placed at the Southwest Navigation site over the estimated three-year construction period. Approximately 800,000 cubic yards (again, sands from the bar reach) are expected will be discharged the first year of maintenance dredging, decreasing through the subsequent four years. After year five, approximately 500,000 cubic yards of maintenance dredging are planned to disposed at this site annually. Presently, no material from other Grays Harbor navigation project reaches or other projects is planned to be dumped at the Southwest Navigation site; however, there is no reason to limit volumes to be discharged as long as the material is found to be of acceptable quality.

Approximately 2,650,000 cubic yards of initial construction material, consisting of silts and sandy silt from the outer Moon Island, Hoquiam, Cow Point, and Aberdeen reaches, are schedule to be deposited at the Eight-Mile site during the first and third years of construction. No further use of the Eight-Mile site is currently anticipated and EPA expects to redesignate the site at some time in the future.

Dredged material for initial construction of the Grays Harbor navigation channel has been tested and determined to be suitable for unconfined open water disposal in the ocean or Grays Harbor estuary. Specific details of the testing program are contained in the 1982 EIS for the project, the 1989 EIS supplement, and the recent EA. Dredged material scheduled to be discharged at the Southwest Navigation site is considered compatible with the existing substrate. Material destined for the Eight-Mile site consists of a range of grain sizes which are substantially different from the existing, relict gravel substrate at the site. Disposal of these sediments at the Eight-Mile site will change the bottom, but this change is considered acceptable and would have substantially less impact than disposal in alternate locations.

All future sediment proposals for disposal in the ocean are subject to specific evaluation, including independent review by EPA, to avoid or minimize adverse effects.

5. *Feasibility of surveillance and monitoring.* 40 CFR 228.6(a)(5). Both sites are well removed from shore facilities and are located in deep water which increases the difficulty for compliance monitoring and post-disposal monitoring. Proposed monitoring and management plans are contained in appendix B of the EIS supplement. Following formal designation of these ODMDS, EPA and the Corps will develop a specific site management plan which will address post-diposal monitoring. Compliance monitoring to ensure that initial construction material is actually discharged at the appropriate disposal sites will largely be performed by the Corps as part of their contract management responsibilities. However, periodic inspections by EPA are planned. Future compliance monitoring will occur as determined to be necessary.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction, and velocity.* 40 CFR 228.6(a)(6). The nearshore circulation off the Washington coast is influenced by atmospheric conditions and bathymetry, as well as the tidal jet from Grays Harbor. Mean surface currents are southward with an onshore component. However, in deeper water (40-50 m depth) conditions result in a northward flowing current with an offshore component near the sea-bottom. The strength of this near-bottom current varies seasonally; however, net overall flow and sediment movement is to the north. Hydrographic structure is similar at both sites with a stratified water

column and bottom water containing low DO from late spring through early fall. This is typical throughout the North Pacific coastal region. Near-bottom turbidity layers are common at the Southwest Navigation site. Water column turbidities are lower at the Eight-Mile site and no near-bottom turbidity layers were observed during designation studies.

Sediments discharged at the Southwest Navigation site would be expected to join the littoral system and disperse gradually out of the site toward the north and onshore. Disposal will be managed to enhance dispersion and to prevent formation of significant mounds.

Sediments discharged at the Eight-Mile site are expected to form a consolidated cloddy mound which would remain on the site for an unspecified time following disposal. Prior experience with disposal of silty material at Coos Bay, Oregon, suggests that the clumps will break down with winter storm activity and erode. At the Coos Bay site, the material was essentially gone two years following diposal. The material at the Eight-Mile site is expected to gradually move with the bottom currents in a predominantly northward or northwesterly direction.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* 40 CFR 228.6(a)(7). This area has no previous history of ocean dumping. Anticipated effects are disclosed in the EIS supplement and EA. No significant adverse effects are anticipated.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean.* 40 CFR 228.6(a)(8). No legitimate uses of the ocean would be interfered with as a result of designation of either or both ODMDS or use of these sites. The Southwest Navigation site was located within the navigation lane in order to minimize conflicts with commercial crab fishing operations. Potential interference with ship traffic will be minimized by public disclosure of dredging and disposal operations through Notices to Mariners. Additionally, disposal of initial construction material will occur beyond the −120-foot (−37 m) contour to avoid potential impact to juvenile crabs which tend to congregate between the −100– −120-foot contours during the summer. Monitoring is planned during construction to determine whether this restriction could be relaxed for future maintenance material disposal.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment of baseline surveys.* 40 CFR 228.6(a)(9). Water quality off the mouth of Grays Harbor is considered excellent, typical of unpolluted seawater along the Pacific Northwest coast. No significant short- or long-term impacts on water quality are expected to be associated with site designation or disposal operations.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* 40 CFR 228.6(a)(10). It is highly unlikely that any nuisance species could be transported to attracted to either disposal site as a result of dredging or disposal activities.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* 40 CFR 228.6(a)(11). Both sites are sufficiently far removed that designation or use would not affect these amenities. Given the characteristics of each site, it is unlikely that any shipwrecks would have survived. The existing information was provided to the Advisory Council of Historic Preservation and State Historic Preservation Office.

E. Proposed Action

The EIS supplement and EA concluded that the proposed sites may be appropriately designated for use. The proposed sites are compatible with the general criteria and specific factors used for site evaluation.

The designation of the Southwest Navigation site and Eight-Mile site as EPA-approved Ocean Dumping Sites is being published as proposed rulemaking. Management of these sites will be delegated to the Regional Administrator of EPA Region 10.

It should be emphasized that, if an ocean dumping site is designated, such a designation does not constitute or imply EPA's approval of actual disposal of material at sea. Before ocean dumping or dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: March 14, 1990.

Thomas P. Dunne,

Acting Regional Administrator for Region 10.

In consideration of the foregoing, subchapter H of chapter I of title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. sections 1412 and 1418.

2. Section 228.12 is amended by adding paragraphs (b)(83) and (b)(84) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(83) Grays Harbor—Southwest Navigation site—Region 10. Location: 46° 52.94′ N., 124° 13.81′ W.; 46° 52.17′ N, 124° 12.96′ W; 46° 51.15′ N, 124° 14.19′ W; 46° 51.92′ N, 124° 14.96′ W.

Size: 1.25 square nautical miles.

Depth: 30–37 meters (average).

Primary Use: Dredged material.

Period of Use: Continuing use.

Restrictions: Disposal shall be limited to dredged material determined to be suitable for unconfined disposal from Grays Harbor estuary and adjacent areas. Additional discharge restrictions will be contained in the EPA/Corps management plan for the site.

(84) Grays Harbor—Eight-Mile site—Region 10. Location: Circle with a 0.40 mile radius around a central coordinate at 56° 57′ N, 124° 20.6′ W.

Size: 0.5 square nautical miles.

Depth: 42–49 meters.

Primary Use: Dredged material.

Period of Use: One time use over multiple years. Designation of the site is anticipated within five years following completion of disposal and monitoring activities.

Restrictions: Disposal shall be limited to dredged material from initial construction of the Grays Harbor navigation project. Post-disposal monitoring will determine the need and extent of closure requirements.

[FR Doc. 90-6594 Filed 3-21-90; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF DEFENSE

48 CFR Part 220

Department of Defense Federal Acquisition Regulation Supplement; Labor Surplus Area Concerns

ACTION: Proposed rule and request for comment.

SUMMARY: The Defense Acquisition Regulatory (DAR) Council is considering a complete deletion of DFARS part 220, Labor Surplus Area Concerns. This proposed rule eliminates partial set-asides for Labor Surplus Area concerns and removes text which duplicates FAR coverage.

DATES: Comments concerning the proposed rule must be received by April 23, 1990, to be considered in formulating the final rule. Please cite DAR Case 90-431 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mrs. Alyce Sullivan, DAR Council, ODASD(P)/DARS, c/o OASD(P&L)(M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mrs. Alyce Sullivan, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to the direction of the Secretary of Defense, an extensive review of the DFARS was conducted by a Joint OSD-DoD Regulatory Relief Task Force in an effort to reduce the self-imposed burden of overly detailed, confusing and sometimes contradictory guidance on DoD's acquisition process. The Task Force conducted a comprehensive review of the DFARS, DoD Component-level and below issuances. This proposed revision results from that effort.

Part 220 of the DFARS has been completely deleted, partially because it duplicates coverage in the FAR. Partial set-asides for Labor Surplus Area concerns have been deleted. They were established to provide a preference for such concerns since DoD was precluded from use of total LSA set-asides. However, in the years since establishment of the partial set-aside the number of LSAs has expanded to the point where use of this relatively complex acquisition procedure is no longer justified by a need to insure placement of awards in these areas.

B. Regulatory Flexibility Act

An Initial Regulatory Flexibility Analysis has not been performed because we are unable to quantify the economic impact on a substantial number of small entities. Comments are invited from small business and other interested parties. Comments will be considered in accordance with section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

C. Paperwork Reduction Act

This proposed rule does contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501. If this proposed rule results in a final rule, a reduction of 201 hours will be realized. A request for paperwork clearance is being prepared for submission to OMB.

List of Subjects in 48 CFR Part 220

Government procurement.

Lucile V. Hughes,

DAR System Assistant, Defense Acquisition Regulatory Council.

Therefore, it is proposed that 48 CFR part 220 be amended as follows:

1. The authority citation for 48 CFR part 220 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 220—[REMOVED]

2. Part 220 is removed in its entirety.

[FR Doc. 90-6549 Filed 3-21-90; 8:45 am]
BILLING CODE 3810-01-M

48 CFR Part 225

Department of Defense Federal Acquisition Regulation Supplement; Foreign Acquisition

ACTION: Proposed rule and request for comment.

SUMMARY: The Defense Acquisition Regulatory (DAR) Council is considering raising the dollar threshold at DFARS 225.302(S-72)(1)(vii)(J) which establishes an exception to the DoD Balance of Payments Program for ready-mixed asphalt and Portland cement concrete.

DATES: Comments concerning the proposed rule must be received by May 7, 1990, to be considered in formulating the final rule. Please cite DAR Case 89-412 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mrs. Alyce Sullivan, DAR Council, ODASD(P)/DARS, c/o OASD(P)(M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mrs Alyce Sullivan, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

Part 225 of the DoD Federal Acquisition Regulation Supplement (DFARS) addresses foreign acquisition. Dollar thresholds in DFARS part 225 were reviewed for currency, consistency, clarity, and necessity. This proposed rule raises the dollar value of the ready-mixed asphalt and Portland cement concrete exception to the Department of Defense Balance of Payments Program from $10,000 to $100,000.

B. Regulatory Flexibility Act

The rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 602 et seq. Therefore, an initial regulatory flexibility analysis has not been performed. However, comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS Subpart will also be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DAR Case 90-610 in correspondence.

C. Paperwork Reduction Act

This rule does not impose any additional reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 225

Government procurement.

Lucile V. Hughes,

DAR System Assistant, Defense Acquisition Regulatory Council.

Therefore, it is proposed that 48 CFR part 225 be amended as follows:

1. The authority citation for 48 CFR part 225 countinues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and Dod FAR Supplement 201.301.

PART 225—FOREIGN ACQUISITION

225.302 [Amended]

2. Section 225.302 is amended by substituting at the end of paragraph (S–72)(1)(vii)(J) the dollar figure "$100,000" in lieu of "$10,000".

[FR Doc. 90–6550 Filed 3–21–90; 8:45 am]

BILLING CODE 3810–01–M

Notices

Federal Register
Vol. 55, No. 56
Thursday, March 22, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 16, 1990.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Extension

National Agricultural Statistics Service
Agricultural Prices
Monthly; Quarterly; Semi-annually; Annually
Farms; Businesses or other for-profit; 115,040 responses; 18,584 hours; not applicable under 3405(h)
Larry Gambrell, (202) 447–7737

Animal and Plant Health Inspection Service
Application for Inspection and Certification of Animal Byproducts
VS Form 16–24
On occasion
Businesses or other for-profit; 20 responses; 10 hours; not applicable under 3504(h)
Hortentia D. Harris, (301) 436–8695

Revision

Food and Nutrition Service
Integrated Quality Control Review Schedule
ENS–380–1
Recordkeeping; On occasion
Individual or households; State or local governments; 68,202 responses; 69,812 hours; not applicable under 3504(h)
Karen Peko, (703) 756–3471

New Collection

Forest Service
White Salmon/Klickitat Visitor VSE Profile and Recreation Use Study
On occasion
Individuals or households; 500 responses; 166 hours; not applicable under 3504(h)
James H. Hulbert, (503) 386–2333

Donald E. Hulcher,

Acting Departmental Clearance Officer.

[FR Doc. 90–6558 Filed 3–21–90; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Rocky Mountain Region; Environmental Impact Statement for Conundrum Creek Quarry, White River National Forest, Pitkin County, CO

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: On January 10, 1990, 55 FR 889, the White River National Forest gave notice of intent to prepare an environmental impact statement for a proposal to reopen a marble quarry within the Maroon Bells-Snowmass Wilderness on the Aspen Ranger District. In describing the proposal, a paragraph was inadvertently missing. This missing information is included in this notice. Also the dates originally projected for comment and for publication of the draft environmental impact statement have to be revised. The revised dates are included in this notice.

DATES: Written comments concerning the scope of the analysis should be received on or before May 1, 1990.

ADDRESSES: Send written comments to Gretchen Merrill, District Ranger, Aspen Ranger District, 806 West Hallam Street, Aspen, Colorado 81611.

FOR FURTHER INFORMATION CONTACT: Loren Kroenke, Interdisciplinary Forester, Aspen Ranger District, 806 West Hallam Street, Aspen, Colorado 81611. Phone: (303) 925–3445.

SUPPLEMENTARY INFORMATION: On December 11, 1989, the Forest Service received a draft mining plan to reopen a marble quarry last operated about 1912.

This quarry is a privately owned mineral estate located within the boundaries of the Maroon Bells-Snowmass Wilderness. The United States owns the surface estate.

The mining plan was conditionally approved by the Colorado Mined Land Reclamation Board (CMLRB), and public hearings have been scheduled by the Board. The Forest Service has worked with the proponent-owner, the State of Colorado, Pitkin County, and the public on various mining activities since 1985. In 1987, in response to a permit request from the proponent-owner, the Forest Service authorized access to the private property by use of the Conundrum Creek Road for exploration activities which occurred in the summer of 1988.

Research shows that Conundrum Creek Road is under the jurisdiction of Pitkin County, and use of the Road is a matter regulated by the County. The United States owns, and the Forest Service manages as wilderness, the subservient surface estate. The mineral estate is private property. According to the 1964 Wilderness Act, valid rights outstanding at the time of passage of the Act were not eliminated by the wilderness designation. Under State law, surface disturbance of the mineral estate must be "reasonable" and associated with mining.

An analysis will be made to identify the environmental impacts of the proposed mining plan. A range of mitigation and reclamation measures appropriate under the Wilderness Act and reasonable under State law and which can be negotiated with the proponent will be developed.

Alternatives identified thus far include:

1. No Action. The owner will be able to develop the quarry within the limits of the approvals of the CMLRB and other permitting agencies.

2. Forest Service denies use of the surface.

3. Miner's (Proponent's) Proposal. The miner will voluntarily implement any mitigation measures he believes appropriate beyond those required by permitting agencies.

4. Forest Service negotiates reclamation measures and rehabilitation measures with the proponent.

5. Acquisition of mineral and timber interest by the U.S.

6. Proponent-Owner and the Forest Service negotiate a special use permit. (The proponent-owner willingly accepts special use permittee status under 36 CFR 251.5.)

7. Forest Service imposes reclamation measures and mitigation measures needed to protect the environment.

If development beyond the geographic area or the intensity approved in the mining plan is proposed, it will be necessary for the miner to seek additional permits from the appropriate agencies. The Forest Service intends to limit its analysis to the plan before it. Development involving other areas is extremely speculative and cannot reasonably be foreseen as a connected action to the current proposal.

The Forest Service has a proposal for a Limited Impact Mining Permit before it at this time. Full-scale development would require further analysis. The owner of the mineral estate has agreed to accept a special use permit and has indicated a willingness to negotiate "reasonable" conditions for mitigation and reclamation measures. The Forest Service believes this will provide the best means of meeting its responsibilities to protect the surface resource and wilderness character in the Conundrum Valley.

The analysis is expected to take about six months. The draft environmental impact statement is expected to be available for public review in mid-May 1990. The final environmental impact statement is scheduled to be completed in July 1990.

A scoping plan is being prepared by the Forest Service. The public will subsequently be notified how the scoping process will be conducted.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in the proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

Gary Cargill, Regional Forester, Rocky Mountain Region, 11177 West 8th Avenue, P.O. Box 25127, Lakewood, CO 80225 is the responsible official.

Dated: March 16, 1990.

Gary E. Cargill,

Regional Forester.

[FR Doc. 90-6570 Filed 3-21-90; 8:45 am]

BILLING CODE 3410-11-M

Shasta Costa Timber Sales and Integrated Resource Projects, Siskiyou National Forest, Curry County, OR

AGENCY: Forest Service, USDA.

ACTION: Revision of a Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: Notice is hereby given that the Forest Service, USDA will modify the title of the Environmental Impact Statement for the Shasta Costa Creek Timber Sales. As a result of scoping efforts, the Forest Service has determined that public concern surrounds a wide range of projects and related potential effects. The Environmental Impact Statement for this area, while accurately reflecting the issues and concerns of the public will analyze not only the Shasta Costa Timber Sales proposed for Fiscal Year 1991 through 1993, but a wide range of related integrated resource projects as well. The new title more accurately reflects the associated analysis process. Therefore, the title of the Environmental Impact Statement for these projects which was printed in the Notice of Intent published in the **Federal Register** on December 21, 1989 (54 FR 52432) is revised to "Shasta Costa Timber Sales and Integrated Resource Projects."

Another change has been identified as a result of the Forest Service scoping efforts and site-specific agency study. The Bear Camp Overlook was identified as a proposed project in the original Notice of Intent. Further study has revealed that the proposed activity can not reasonably be included in with the other proposals. Therefore, the Bear Camp Overlook will no longer be included as a proposed project.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this notice of intent and its modification to Kurt Wiedenmann, Project Leader or Susan Mathison, Public Affairs Officer at 1225 S. Ellensburg Avenue, Gold Beach, Oregon 97444 (telephone 503-247-6651).

Dated: March 14, 1990.

Ronald J. McCormick

Forest Supervisor

[FR Doc. 90-6522 Filed 3-21-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: Information Services Order Form.

Form Numbers: Agency-ITA-4096P. OMB-0625-0143.

Type of Request: Revision of a currently approved collection.

Burden: 8,450 respondent; 1,950 reporting hours.

Average Hours Per Response: 5 to 60 minutes.

Needs and Uses: The International Trade Administration's U.S. and Foreign Commercial Service District Offices offer their clients Department of Commerce programs, market research, and services to enable the

client to begin exporting or to expand existing exporting efforts. Specific information is required in order to determine the client's interests and needs. This information collection is designed to elicit such data and allow the District Office trade specialists, serving as export counselors to the firms, to make knowledgeable recommendations on which services or programs would best help a variety of clients to meet individual goals.

Affected Public: State or local governments; businesses or other for profit; Federal agencies or employees; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Donald Arbuckle, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, room 3208 New Executive Office Building, Washington, D.C. 20503.

Dated: March 15, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–6581 Filed 3–21–90; 8:45 am]

BILLING CODE 3510–CW–M

Bureau of Export Administration

[Docket Nos. 9107–1 and 9107–2]

Final Agency Action in the Decision and Order Regarding Rodolphe Agnese

Summary

Pursuant to the February 14, 1990, recommended Decision and Order of the Administrative Law Judge (ALJ), which Decision and Order is attached hereto and affirmed by me, Rodolphe Agnese, individually and doing business as Development Engineering and Electronics, (hereafter Respondent) and all successors, assignees, officers, partners, representatives, agents and employees are hereby denied for a period of ten years from the date hereof all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Export Administration Regulations (15 CFR parts 768–799).

Order

On February 14, 1990, the ALJ entered his Recommended Decision and Order in the above-referenced matter. The Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. Having examined the record and based on the facts in this case, I hereby affirm the Decision and Order of the ALJ.

This constitutes final agency action in this matter.

Dated: March 15, 1990.

Joan M. McEntee,

Acting Under Secretary for Export Administration.

United States Department of Commerce, Office of Administrative Law Judge

Decision and Order

In the Matter of: Rodolphe Agnese individually and doing business as Development Engineering and Electronics (Respondents)

Appearance for Respondent: Rodolphe Agnese, 37 Rue de la Quintinie, 75015, Paris, France.

Appearance for Agency: Anthony K. Hicks, Esq., Office of Chief Counsel for Export Administration, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, DC 20230.

Preliminary Statement

On March 29, 1989, the Office of Export Administration ("Agency"), Bureau of Export Administration, U.S. Department of Commerce issued a charging letter against Respondent Rodolphe Agnese, individually and doing business as Development Engineering and Electronics under the authority of the Export Administration Act of 1979 (50 U.S.C.A. app. 2401–2420), as amended ("Act"), and the Export Administration Regulations ("Regulations").[1]

The Agency charged that Respondent Agnese caused a material misrepresentation to be made on an export control document in connection with an attempted export from the United States to France that was arranged in 1983–84 in violation of § 787.2 of the Regulations.

Because of the failure to answer, this office issued an Order, dated July 11, 1989, ruling that Respondents were in default and directing Agency Counsel to file an evidentiary submission by August 11, 1989, pursuant to § 788.8 of the Regulations, which provides:

Default

(a) *General.* If a timely answer is not filed, the department shall file with the Administrative Law Judge a proposed Order together with the supporting evidence for the allegations in the charging letter. The Administrative Law Judge may require further submissions and shall issue any Order he deems justified by the evidence of record, any Order so issued shall have the same force and effect as an Order issued following the disposition of contested charges.

Agency Counsel filed the Motion for Decision on August 11, 1989. The Agency also submitted documentary evidence to support allegations made in the charging letter. A copy of the above mentioned Motion was also sent to the Respondents on August 18, 1989, to which there has been no response.

Facts and Discussion

On or about May 23, 1989, Agnese who is located in Paris, France, ordered a Fairchild Sentry Series 20 Model 95–9920–20 System (Fairchild System) from a company located in Bayshore, New York. After receiving Agnese's order, the American supplier asked Agnese to provide it with the name of the end user of the Fairchild System so that such information could be furnished to the U.S. licensing authorities. In response to that request, on or about July 4, 1983, Agnese advised that the end user of the Fairchild system was Compagnie Europeenne pour L'Industrie et le Commerce International in Chatou, France (CEICI).

Based on Agnese's representations, on or about April 30, 1984, the supplier instructed a Fairchild representative, who was filling out the Shipper's Export Declaration filed in connection with the attempted export of the Fairchild System, that CEICI was the end user of the Fairchild System. The Fairchild representative filled out the Shipper's Export Declaration in accordance with those instructions. It was subsequently determined that CEICI was not in fact the end user of the Fairchild System.

Accordingly, Agnese caused the doing of an act prohibited by § 787.5 of the Regulations: the indirect making of false representations of material fact to a United States agency on an export control document, as defined by § 770.2 of the Regulations. By so doing, Agnese violated § 787.2 of the Regulations.

As a sanction, the Agency proposes a ten-year denial period, noting that the

[1] The Act was reauthorized and amended by the Export Administration Amendments Act of 1985, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985), and amended by the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100–418, 102 Stat. 1107 (August 23, 1988).

The Regulations, formerly codified at 15 CFR parts 368–399, were redesignated as 15 CFR parts 768–799, effective October 1, 1988 (53 FR 37751, September 28, 1988).

equipment at issue is controlled for national security reasons and stressing the intentional character of the misrepresentation.

Conclusion

The Agency's presentation establishes that Respondent Agnese, individually and doing business as Respondent Development Engineering and Electronics, caused a material misrepresentation on an export control document. The material misrepresentation was the incorrect statement of the ultimate consignee, on the Shipper's Export Declaration. That misrepresentation constituted a prohibited act under § 787.5 of the Regulations, and causing such a prohibited act violates § 787.2 of the Regulations. Consequently, I find that Respondents violated § 787.2 of the Regulations.

The Agency's proposed ten-year denial of U.S. export privileges is appropriate. The clearly intentional nature of Respondent Agnese's arranging the misrepresentation, relating as it does to sophisticated controlled equipment, warrants such period of denial.

Order

I. For a period of ten years from the date of the final Agency action, Respondent:

Rodolphe Agnese individual and doing business as
Development Engineering and Electronics, 37 Rue de la Quintinie, 75015, Paris France

and all successors, assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

II. Participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation:

(i) As a party or as a representative of a party to a validated or general export license application;

(ii) In preparing or filing any export license application or request for reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license or other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which any Respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV. All outstanding individual validated export licenses in which any Respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any Respondent or any related person, or whereby any Respondent or any related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly;

(i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any Respondent or related person denied export privileges, or

(ii) Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

VI. This Order shall supersede any other Orders, outstanding against these Respondents.

VII. This Order as affirmed or modified shall become effective upon entry of the Secretary's final action in this proceeding pursuant to the Act (50 U.S.C.A. app. 2412(c)(1)).

Dated: February 14, 1990.

Hugh J. Dolan,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW., Room 3898B, Washington, DC, 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 388.23(b), 50 FR 53134 (1985). Pursuant to section 13(c)(3) of the Act, the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

[FR Doc. 90-6583 Filed 3-21-90; 8:45 am]
BILLING CODE 3510-DT-M

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: March 22, 1990.

FOR FURTHER INFORMATION CONTACT: Richard W. Moreland or Holly A. Kuga, Office of Antidumping Compliance or Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2104/2786.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received timely requests, in accordance with sections

353.22(a)(1), (a)(2), (a)(3), and 355.22(a)(1) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders and findings.

Initiation of Reviews

In accordance with sections 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews no later than February 28, 1991.

Antidumping duty proceedings and firms	Periods to be reviewed
Austria:	
Railway Track Maintenance Equipment.	2/1/89-1/31/90
A-433-064	
Plasser & Theurer	
Canada:	
Racing Places from Canada	2./1/89-1/31/90
A-122-050	
Equine Forgings Ltd.	
Hungary:	
Truck Trailer Axle-and-Brake Assemblies.	1/1/89-12/31/89
A-437-001	
RABA	
Countervailing Duty Proceedings	Periods to be Reviewed
Ecuador:	
Fresh Cut Flowers	1/1/89-12/31/89
C-331-601	
Mexico:	
Unprocessed Float Glass	1/1/89-12/31/89
C-201-015	
Saudi Arabia:	
Carbon Steel Wire Rod	1/1/89-12/31/89
C-517-501	

Interested parties must submit applications for administrative protective orders in accordance with §§ 353.34(b) or 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 353.22(c) (1989) and 355.22(c) (1988).

Dated: March 13, 1990.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 90-6584 Filed 3-21-90; 8:45 am]

BILLING CODE 3510-DS-M

Short Supply Determinations; Tin Free Steel Sheet

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of Short-Supply Determination on Certain Tin-Free Steel Sheet.

SHORT-SUPPLY REVIEW NUMBER: 12.

SUMMARY: The Secretary of Commerce ("Secretary") hereby grants a short-supply allowance for 4,438 metric tons of certain tin-free steel ("TFS"), used to manufacture photopolymer printing plates, during March-December 1990 under the U.S.-Japan steel arrangement.

EFFECTIVE DATE: March 16, 1990.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230 (202) 377-0159.

SUPPLEMENTARY INFORMATION: On March 2, 1990, the Secretary received an adequate short-supply petition from NAPP Systems (USA) Inc. ("NAPP") requesting a short-supply allowance for 4,438 metric tons of this product under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products. NAPP requested short supply for this product because no domestic mill is currently able to produce this material and because its foreign supplier is unable to meet NAPP's needs through regular export licenses. The Secretary conducted this short-supply review pursuant to section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Pub. L. No. 101-221, 103 Stat. 1886 (1989) ("The Act"), and section 357.102 of the Department of Commerce's Short-Supply Regulations, published in the **Federal Register** on January 12, 1990, 55 FR 1348 ("Commerce's Short-Supply Regulations").

The requested TFS sheet is used to manufacture photopolymer printing plates utilized by the newspaper printing industry and meets the following specifications:

Thickness:
0.0066 inch (60 lbs/base box)
0.0094 inch (85 lbs/base box)
Thickness Tolerance: ±0.0005 inch
Chromium Coating Weight:
Metallic Chromium - 100 mg/m2
Chromium Oxide - 10 mg/m2
Chemical Composition (maximum): C - 0.13%, Mn - 0.60%, Si —0.15%, Cu - 0.020%, P - 0.04%, S - 0.05%, Al - 0.20%
Inclusion/Foreign Matter: No more than 15 inclusions/foreign matter in 15 feet (4.6 meters)
Camber: ¼ inch (6.3 mm) per 20 feet (6.1 meters)
Coilset or Curling: Maximum 5/32 inch (5.0 mm)
Oil Can: Target Depth maximum 3/64 inch (1.2 mm). Absolute depth maximum 5/64 inch (2.0 mm)
Wavy Edge: Height - maximum 5/64 inch (2.0 mm)
Width Ranges:
0.0066 inch - 27.75 to 36 inches
0.0094 inch - 28 to 34 inches
Width Tolerance per width: —0.0 + 1/16 inch (1.6 mm)
Weight: Minimum net 18,000 lbs. (8,164.8 kg). Maximum net 20,000 lbs. (9,071.0 kg)

The quantity of 0.0066 inch and 0.0094 inch material requested by NAPP totals 4,068.5 and 369.5 metric tons, respectively, for March–December 1990.

Action

On February 21, 1990, the Secretary established an official record on this short-supply request (Case Number 12) in the Central Records Unit, Room B-099, Import Administration, U.S. Department of Commerce at the above address. Section 4(b)(4)(B)(i) of the Act and section 357.106(b)(1) Commerce's Short-Supply Regulations require the Secretary to apply a rebuttable presumption that a product is in short supply and to make a determination with respect to a short-supply petition not later than the 15th day after the petition is filed if the Secretary finds that one of the following conditions exists: 1) the raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; 2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immmediately preceding years; or 3) the requested steel product is not produced in the United States. The Secretary finds, based on available information, that the requested steel product is not produced in the United States. Therefore, the Secretary has applied a rebuttable presumption that this product is presently in short supply in accordance with section 4(b)(4)(B)(i)(III) of the Act and section 357.106(b)(1)(iii) of Commerce's Short-Supply Regulations.

Unless domestic steel producers provided proof that they could and would produce the requested quantity of this product within the desired period of time, provided it represented a normal order-to-delivery period, the Secretary would issue a short-supply allowance not later than March 16, 1990. On March 7, 1990, the Secretary published a notice in the **Federal Register** announcing a review of this request and providing domestic steel producers an opportunity to rebut the presumption of short supply. All comments were required to be received no later than March 14, 1990. No comments were received.

Conclusion

Since the Secretary received no comments to the **Federal Register** notice by potential suppliers to rebut the Secretary's presumption of short supply for the requested product, the Secretary hereby grants, pursuant to section 4(b)(4)(A) of the Act and §357.102 of Commerce's Short-Supply Regulations, a short-supply allowance for 4,438 metric tons of the requested TFS sheet for March–December 1990 under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products.

Dated: March 16, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90–6585 Filed 3–21–90; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Service

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resources Management (OCRM), announces its intent to evaluate the performance of the Mississippi Coastal Management Program (CMP), Oregon CMP, New Hampshire CMP, and Wisconsin CMP; and the Apalachicola Bay (Florida) National Estuarine Research Reserve through June 30, 1990.

Evaluation of coastal management programs will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), which requires a continuing review of the performance of coastal states with respect to coastal management, including detailed findings regarding the extent to which the state has implemented and enforced the program approved by the Secretary of Commerce, addressed the coastal management needs identified in section 303(2) (A) through (J) of the CZMA, and adhered to the terms of any grant, loan or cooperative agreement funded under the CZMA.

Evaluation of the National Estuarine Research Reserves will be conducted pursuant to section 315(f) of the CZMA, which requires the periodic review of the performance of each reserve with respect to its operation and management.

The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and with members of the public. Public meetings will be held as part of the site visits. The respective state will issue notice of these meetings. Copies of each state's most recent performance report, as well as OCRM's notification letter and supplemental information request letter to the state, are available upon request from the OCRM. Written comments from all interested parties on each of these programs are encouraged at this time. Please direct coments to Richard B. Mieremet (see further information contact below). OCRM will place a subsequent notice in the **Federal Register** announcing the availability of the Final Findings based on each evaluation.

FOR FURTHER INFORMATION CONTACT: Richard B. Mieremet, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235 (telephone: 202/673–5100).

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Dated: March 13, 1990.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 90–6592 Filed 3–21–90; 8:45 am]

BILLING CODE 3510–08–M

Evaluation of State Coastal Management Programs and National Estuarine Research Reserve

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Rhode Island (Narragansett Bay) National Estuarine Research Reserve (NERR). Section 315(f) of the Coastal Zone Management Act of 1972, as amended (CZMA), requires a periodic performance review of the operation and management of each NERR with respect to funds authorized under the CZMA. The reserve evaluated was found to be adhering to the programmatic terms of its financial assistance awards and to be making progres sin developing and/or implementing management plans, developing research and education programs, acquiring land and protecting the estuarine resources. A copy of the findings for this reserve may be obtained on request from: Richard B. Mieremet, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235 (telephone 202/673–5100).

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Dated: March 13, 1990.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 90–6591 Filed 3–21–90; 8:45 am]

BILLING CODE 3510–08–M

Marine Mammals; Application for Permit: Southwest Fisheries Center (P77#40)

Notice is hereby given that the Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Endangered Species Act and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Dr. Izadore Barrett, Regional Science and Research Director, Southwest Fisheries Center, P.O. Box 271, La Jolla, CA 92038.
2. *Type of Permit:* Scientific Research.
3. *Name of Marine Mammal:* Hawaiian monk seals (*Monachus schauinslandi*).
4. *Type and Number of Take:*
   Tag, measure, and weigh—673.
   Translocate—5.
   Permanent removal from the wild—2.
5. *Location of Activity:* Northwest Hawaiian Islands.
6. *Period of Activity:* 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Highway, Silver Spring, Maryland 20910, within 30 days of the publication

of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

Documents submitted in connection with the above application are available for review by appointment in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East-West Highway, Room 7324, Silver Spring, Maryland 20910 (301/427–2289); and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 (213/514–6196).

Dated: March 16, 1990.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 90–6511 Filed 3–21–90; 8:45 am]

BILLING CODE 3510–22–M

National Telecommunications and Information Administration

[Docket No. 9126–9296]

Comprehensive Study of the Domestic Telecommunications Infrastructure; Extension of Comment and Reply Comment Period

AGENCY: National Telecommunications and Information Administration (NTIA) Commerce.

ACTION: Notice of Inquiry; Extension of Time for Comments and Reply Comments.

SUMMARY: On January 9, 1990, NTIA published a Notice of Inquiry requesting public comment on its study on the domestic telecommunications infrastructure. Comments and Reply Comments were to be filed on or before March 19, 1990 and April 23, 1990 respectively. In response to inquiries about an extension due to the broad scope of this inquiry, NTIA is extending both the Comment and Reply Comment dates on April 9, 1990 and May 24, 1990 respectively.

DATES: Comments and Reply Comments are due on or before April 9, 1990 and May 24, 1990 respectively.

ADDRESSES: Comments (seven copies) should be sent to: Office of Policy Analysis and Development, NTIA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Room 4725, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Alfred Lee or Timothy Sloan, Office of Policy Analysis and Development, 202/377–1880.

Dated: March 19, 1990.

Janice Obuchowski,

Assistant Secretary of Commerce for Communications and Information.

[FR Doc. 90–6700 Filed 3–21–90; 8:45 am]

BILLING CODE 3510–60–M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts' next meeting is scheduled for 19 April 1990 at 10 a.m. in the Commission's offices in the Pension Building, suite 312, Judiciary Square, 5th and F Streets NW., Washington, DC 20001 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the Commission offices (202–504–2200) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC, 16 March 1990.

Charles H. Atherton,

Secretary.

[FR Doc. 90–6529 Filed 3–21–90; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

March 16, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: March 23, 1990.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6494. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 335, 336/636, 342 and 347/348 are being increased for special allowance provided for handmade products under the current agreement.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 53351, published on December 28, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 16, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive of December 21, 1989, from the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the period January 1, 1990 through December 31, 1990.

Effective on March 23, 1990, you are directed to amend further the December 21, 1989 directive to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and India:

Category	Adjusted 12-mo. limit [1] (dozen)
335	207,182
336/636	520,022
342	475,215
347/348	337,215

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

The Committee for the Implementation of Textile Agreements has determined that

these actions fall with the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-6578 Filed 3-21-90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Singapore; Correction

March 16, 1990.

In the notice published in the Federal Register on November 15, 1989 (54 FR 47548), the telephone number for quota status information should be corrected from (202) 343-6580 to (202) 535-6736.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-6579 Filed 3-21-90; 8:45 am]

BILLING CODE 3510-DR-M

Textile and Apparel Categories With the Harmonized Tariff Schedule of the United States: Changes to the 1990 Correlation

March 16, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Changes to the 1990 Correlation.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-3400.

The Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (1990) presents the harmonized tariff numbers under each of the cotton, wool, man-made fiber, silk blend and other vegetable fiber categories used by the United States in monitoring imports of these textile products and in the administration of the bilateral agreement program.

The 1990 Correlation (pages 120 and 121) should be amended to correct the unit of measure for Category 670 to kilograms.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-6580 Filed 3-21-90; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF ENERGY

Morgantown Energy Technology Center Cooperative Agreement; Financial Assistance Award to University of Kentucky Research Foundation

AGENCY: Morgantown Energy Technology Center, Department of Energy (DOE).

ACTION: Notice of a noncompetitive financial assistance award.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2)(i)(A) the DOE, Morgantown Energy Technology Center gives notice of its plans to award a 36-month Cooperative Agreement to University of Kentucky Research Foundation, 216 Kinkead Hall, University of Kentucky, Lexington, KY 40506-00571, in the amount of approximately $1.9 million, including the participant's cost share of approximately 48 percent. The pending award is based upon an unsolicited application for follow-on work of a cooperative research project to develop an integrated multistaged fluidized bed retorting process for eastern oil shale, called the KENTORT II process. With the additional federal financial assistance from DOE, the University of Kentucky Research Foundation will perform the research using a larger laboratory scale reactor to prove the viability of scaling-up the KENTORT II process concept. Several commercial operating scenarios for the KENTORT II process concept will be developed and economic evaluations will be performed.

FOR FURTHER INFORMATION CONTACT: Beverly J. Harness, I-07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507-0880, Telephone: (304) 291-4089, Procurement Request No. 21-90MC27286.000.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 90-6574 Filed 3-21-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ID-2446-000, et al.]

Richard A. Clarke, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Richard A. Clarke

[Docket No. ID-2446-000]

March 14, 1990.

Take notice that on March 8, 1990, Richard A. Clarke (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions: Chairman of the Board, Chief Executive Officer and Director, Pacific Gas and Electric Co.; Director, BankAmerica Corp.; Director, Bank of America NT&SA.

Comment date: March 30, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Electric Power Company

[Docket No. ER89-632-000]

March 14, 1990.

Take notice that on March 5, 1990, Wisconsin Electric Power Company (WEP) tendered for filing additional information requested by Staff in the above-referenced docket number.

Comment date: March 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Company

[Docket No. ER85-596-006]

March 14, 1990.

Take notice that on February 23, 1990, New England Power Company (NEP) submitted its compliance filing in this proceeding. NEP states that its filing is in compliance with the Commission's order in this docket, Opinion Nos. 335 and 335-A.

According to NEP the compliance rates have been adjusted to reflect (i) use of the 1985 test year cost of service rather than a formula rate; (ii) a nonfirm basis using system capability rather than system load; (iii) use of a 14.91% rate of return on equity on a prospective basis; and (iv) the reduction in the federal income tax rate.

Comment date: March 28, 1990, in accordance with Standard Paragraph E end of this notice.

4. Madison Gas and Electric Company

[Docket No. ER89-557-000]

March 14, 1990.

Take notice that on March 5, 1990, Madison Gas and Electric Company (MG&E) tendered for filing Exhibit E to the above referenced docket which updates the cost support information used in the development of the ceiling prices in the letter agreement between MG&E and Commonwealth Edison. MG&E states that the ceiling prices for Short-Term remain the same as in the original agreement.

Comment date: March 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. Wisconsin Power & Light Company

[Docket No. ER89-594-000]

March 14, 1990.

Take notice that on March 5, 1990, Wisconsin Power & Light Company (WP&L) tendered for filing an amendment in the above referenced docket. WP&L states that this amendment supplies additional data and cost support information requested by Commission Staff.

Comment date: March 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Madison Gas and Electric Company

Docket No. ER90-248-000]

March 14, 1990.

Take notice that on March 7, 1990, Madison Gas and Electric Company (MGE) tendered for filing an Interconnection and Interchange Agreement dated November 17, 1989, among Northern States Power Company (Minnesota Company), Northern States Power Company (Wisconsin Company), and Madison Gas and Electric Company.

The Interconnection and Interchange Agreement provides for interconnected electric operation between the parties' systems, as well as for the interchange of electrical power and energy between the parties.

Copies of this filing have been provided to the respective parties and to the Public Service Commission of Wisconsin.

MGE requests that the Commission make November 17, 1989, the effective date of the proposed rate schedules to coincide with the term of the Interconnection and Interchange Agreement named above.

Comment date: March 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. New England Power Pool

[Docket No. ER90-246-000]

March 14, 1990.

Take notice that on March 5, 1990, New England Power Pool tendered for filing signature pages to the NEPOOL Agreement dated September 1, 1971, as amended, signed by the Village of Jacksonville Electric Company. The Village of Jacksonville Electric Company has its principal office in Jacksonville, Vermont. NEPOOL indicates that the New England Power Pool Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

NEPOOL states that the Village of Jacksonville Electric Company has joined the over 90 other electric utilities as participants in the pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make the Village of Jacksonville Electric Company a participant in the pool.

NEPOOL requests an effective date of August 1, 1989, for commencement of participation in the power pool by the Village of Jacksonville Electric Company and requests waiver of the Commission's customary notice requirements to permit the membership of the Village of Jacksonville Electric Company to become effective on that date.

Comment date: March 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

8. Oxbow Power Corporation

[Docket No. QF87-131-002]

March 14, 1990.

On March 5, 1990, Oxbow Power Corporation (Applicant), of 333 Elm Street, Dedham, Massachusetts 02026, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Cornwall, Pennsylvania. The facility will consist of four fluidized-bed boilers and a steam turbine generating unit. The maximum net electric power production capacity will be 80 megawatts. The primary energy source will be anthracite culm produced as a result of the mining and preparation of anthracite coal prior to July 23, 1985. Natural gas, oil or other non-waste fossil fuels will be used for purposes of ignition, start-up, testing and control, however, such fossil fuel uses will not exceed 3% of the facility's total energy input during any calendar year period.

The certification of the original application was issued on March 23, 1987 (38 FERC ¶ 62,296). Instant recertification is requested due to a change of ownership from Wormser Engineering, Inc. to Oxbow Power Corporation, change of equipment from four fluidized-bed boilers to two fluidized-bed boilers and completion date from February 1991 to July 1993. All other facility characteristics remain the same as that set forth in the original application.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

9. PacifiCorp, doing business as Pacific Power & Light and Utah Power & Light

[Docket No. ER90-250-000]

March 14, 1990.

Take notice that PacifiCorp, doing business as Pacific Power & Light Company and Utah Power & Light Company (PacifiCorp), on March 9, 1990, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Amendment No. 2 to the Long Term Power Sales Agreement dated June 30, 1987 (Agreement) between PacifiCorp and Southern California Edison Company (Edison), PacifiCorp/Pacific Power & Light Company Rate Schedule FERC No. 248.

Amendment No. 2 to the Agreement revises the description of the Point of Delivery whereby Capacity may be delivered and provides for a reduction in the transmission losses associated with the sale of Contract Capacity.

PacifiCorp respectfully requests that a waiver of the notice requirements of 18 CFR 35.3 be granted in accordance with 18 CFR 35.11 of the Commission's Rules and Regulations and that an effective date of January 1, 1990, be assigned, this date being consistent with the effective date agreed to in Amendment No. 2.

Copies of this filing were supplied to the Edison and the Public Service Commission of Oregon.

Comment date: March 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

10. Northern States Power Company (Minnesota Company)

[Docket No. ER90-249-000]

March 14, 1990.

Take notice that on March 7, 1990, Northern States Power Company (Minnesota Company) (NSP-MN) tendered for filing an Interconnection and Interchange Agreement dated November 17, 1989, and as amended by Amendment No. 1 dated February 23, 1990, among NSP-MN, Northern States Power Company (Wisconsin Power), and Madison Gas & Electric Company (MGE).

The Interconnection and Interchange Agreement provides for interconnected electrical operation between the parties; systems, as well as for the interchange of electrical power and energy between the parties. Amendment No. 1 modifies MGE's rate pertaining to General Purpose Energy transactions.

Copies of this filing have been provided to the respective parties and to the State Commissions of Minnesota,

North Dakota, South Dakota, Wisconsin, and Michigan.

NSP–MN requests that the Commission make May 1, 1990, the effective date of the proposed System Power and Short Term Power schedules (Service Schedules A&B), and March 5, 1990, the effective date of the proposed Economy Energy and General Purpose Energy schedules (Service Schedules C&D), to allow the parties to immediately realize the mutual benefits available through the interchange of power and energy under the Interconnection and Interchange Agreements, as amended.

Comment date: March 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

11. Washington Water Power Company

[Docket No. ER90–253–000]

March 15, 1990.

Take notice that on March 12, 1990, the Washington Water Power Company (Water) tendered for filing its revised Index of Purchasers under Washington's FERC Electric Tariff Original Volume No. 3 (Tariff 3). The revision incorporates the addition of new nonfirm Service Agreements with Modesto-Irrigation District, Turlock Irrigation District, and the City of Vernon.

WWP requests that the effective date as indicated on the Index of Purchasers be assigned by the Commission.

Washington states that copies of the filing have been sent to the new parties to Washington Tariff 3 Service Agreements.

Comment date: March 30, 1990, in accordance with Standard Paragraph E at the end of this notice.

12. Wisconsin Electric Power Company

[Docket No. ER90–252–000]

March 15, 1990.

Take notice that Wisconsin Electric Power Company (Wisconsin Electric), on March 9, 1990, tendered for filing an Appendix to its Interconnection Agreement with Wisconsin Power and Light Company (WP&L) to provide alternate service in the case of an emergency at the Village of Deerfield, and a cancellation of two agreements for service to the Village of Deerfield (Deerfield). The Delivery Point No. 2 Supplemental Service Specification to Exhibit C of the Service Agreement under FERC Electric Tariff Original Volume No. 1 to be cancelled provided for Total Requirements Conjunctive Service to Wisconsin Public Power, Inc. System (WPPI) for Deerfield. The municipal distribution system owned by Deerfield was purchased by WP&L and WPPI ceased to take service under this agreement on May 1, 1988.

Supplement No. 1 to Service Agreement No. 22 under FERC Electric Tariff Original Volume No. 1 between Wisconsin Electric and WP&L is to be cancelled. This supplement provided for transmission service from WP&L to Deerfield over Wisconsin Electric lines until WP&L built its own subtransmission facilities. WP&L has now completed construction of its line to Deerfield and transmission service under this supplement ceased on December 24, 1989.

Exhibit C Supplemental Service Specification to Transmission Service Agreement No. 22 is to be superceded with an Exhibit C designated Revision No. 1. The superceded Exhibit C specified Deerfield as the point of delivery; the superceding Exhibit C specifies all interconnections between WP&L and Wisconsin Electric as the points of delivery.

Copies of the filing have been served on Wisconsin Public Power, Inc. System, Wisconsin Power and Light Company, and the Public Service Commission of Wisconsin.

Comment date: March 30, 1990, in accordance with Standard Paragraph E at the end of this notice.

13. Tucson Electric Power Company

[Docket No. ER90–254–000]

March 15, 1990.

Take notice that on March 13, 1990, Tucson Electric Power Company (Tucson) tendered for filing a Short-term Power Sale Agreement (the Agreement) between Tucson and Southern California Edison Company. The primary purpose of the Agreement is to provide the terms and conditions relating to the sale of energy by Tucson and the purchase of energy by Edison between January 8, 1990 through March 4, 1990.

Tucson requests an effective date of January 8, 1990, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon Edison.

Comment date: March 30, 1990, in accordance with Standard Paragraph E at the end of this notice.

14. Century Power Corporation

[Docket No. ER90–251–000]

March 15, 1990.

Take notice that on March 12, 1990, Century Power Corporation (Century) tendered for filing a series of correspondence memorializing its agreement with Nevada Power Company (Nevada) for the sale and purchase of power through 1992. The sales to Nevada of up to 15 MW of capacity and associated energy are contingent on the availability of the San Juan Unit No. 3, in which Century has a 50 percent entitlement.

Century asks that the filing become effective on January 1, 1990, when deliveries to Nevada began. Accordingly, waiver of notice is requested. Copies of Century's filing have been served on Nevada Public Service Commission.

Comment date: March 30, 1990, in accordance with Standard Paragraph E at the end of this notice.

15. Minnesota Power & Light Company

[Docket No. ER90–234–000]

March 15, 1990.

Take notice that on March 13, 1990, Minnesota Power & Light Company (MP&L) tendered for filing a supplement to its original submission in this docket of an agreement for the sale of capacity and energy from MP&L to Northern States Power Company. The supplement specifies the rates, terms and conditions of a transmission charge for third-party purchase and resale transactions ("Order 84 adder") under the agreement.

Comment date: March 30, 1990, in accordance with Standard Paragraph E at the end of this notice.

16. Southwestern Public Service Company

[Docket No. ER80–573–007]

March 15, 1990.

Take notice that on March 9, 1990, Southwestern Public Service Company tendered for filing its compliance filing in accordance with the Commission's Order on Remand issued August 4, 1989, and Order on Rehearing issued November 22, 1989, in the above-referenced docket.

Comment date: March 30, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-6500 Filed 3-21-90; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2267-001, et al.]

Hydroelectric Applications (Alaska Pulp Corp., et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. a. Type of Application: Surrender of license.

b. Project No.: 2267-001.

c. Date filed: January 30, 1990.

d. Applicant: Alaska Pulp Corporation.

e. Name of Project: Pulp Mill.

f. Location: On Sawmill Creek, in the Borough of Sitka, Alaska.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact:

Frank Roppel, Alaska Pulp Corporation, 4600 Sawmill Creek Road, Sitka, AK 99835-9801, (907) 747-2255.

i. FERC Contact: Michael Spencer at (202) 357-0846.

j. Comment Date: April 16, 1990.

k. Description of proposed Action: The project would have used a 3-foot-diameter penstock to transport water from the Blue Lake projects penstock to a powerhouse. The penstock was the only project feature constructed and it serves to supply the pulp mill with filter water. The Licensee seeks to surrender the license because the project was found to be uneconomical.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

2. a. Type of application: Amendment of License.

b. Project No.: 2322-005.

c. Date Filed: March 21, 1988.

d. Applicant: Central Maine Power Company.

e. Name of Project: Shawmut.

f. Location: On the Kennebec River in Kennebec and Somerset Counties, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact:

Mr. Stephen D. Padula, Central Maine Power Company, Edison Drive, Augusta, ME 04336, (207) 623-3521.

i. FERC Contact: Robert Grieve, (202) 357-0655.

j. Comment date: April 30, 1990.

k. Description of the Amendment: Licensee has requested that article 15 of the extant project license be amended to require licensee to provide funding, installation and operation of downstream and upstream fish passage facilities. The licensee would also conduct fisheries monitoring and other studies to facilitate restoration of shad, alewives and Atlantic salmon populations in the Kennebec River system. The amendments would be in accordance with an agreement that licensee has entered into with the Maine Department of Marine Resources, the Maine Atlantic Sea Run Salmon Commission, and the Maine Department of Inland Fisheries and Wildlife. The licensee proposes to install permanent upstream and downstream fish passage facilities by May 1, 2000.

l. This notice consists of the following standard paragraphs: B, C, and D2.

3. a. Type of Application: Amendment of License.

b. Project No.: 2325-002.

c. Date Filed: March 21, 1988.

d. Applicant: Central Maine Power Company.

e. Name of Project: Weston.

f. Location: On the Kennebec River in Somerset County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact:

Mr. Stephen D. Padula, Central Maine Power Company, Edison Drive, Augusta, ME 04336, (207) 623-3521.

i. FERC Contact: Robert Grieve, (202) 357-0655.

j. Comment date: April 30, 1990.

k. Description of the Amendment: Licensee has requested that article 15 of the extant project license be amended to require licensee to provide funding, installation and operation of downstream and upstream fish passage facilities. The licensee would also conduct fisheries monitoring and other studies to facilitate restoration of shad, alewives and Atlantic salmon populations in the Kennebec River system. The amendment would be in accordance with an agreement that licensee has entered into with the Maine Department of Marine Resources, the Maine Atlantic Sea Run Salmon Commission, and the Maine Department of Inland Fisheries and Wildlife. The licensee proposes to install permanent upstream and downstream fish passage facilities by May 1, 2001.

l. This notice consists of the following standard paragraphs: B, C, and D2.

4. a. Type of Application: Amendment of License.

b. Project No: 2552-002.

c. Date Filed: March 21, 1988.

d. Applicant: Central Maine Power Company.

e. Name of Project: Fort Halifax.

f. Location: On the Sebasticook River in Kennebec County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Applicant Contact:

Mr. Stephen D. Padula, Central Maine Power Company, Edison Drive, Augusta, ME 04336, (207) 623-3521

i. FERC Contact: Robert Grieve, (202) 357-0655.

j. Comment Date: April 30, 1990.

k. Description of the Amendment: Licensee has requested that article 13 of the extant project license be amended to require licensee to provide funding, installation and operation of downstream and upstream fish passage facilities. The licensee would also conduct fisheries monitoring and other studies to facilitate restoration of shad, alewives and Atlantic salmon populations in the Kennebec River system. The amendment would be in accordance with an agreement that licensee has entered into with the Maine Department of Marine Resources, the Maine Atlantic Sea Run Salmon Commission, and the Maine Department of Inland Fisheries and Wildlife. The licensee proposes to install permanent downstream and upstream fish passage facilities by December 31, 1991, and May 1, 1999, respectively.

l. This notice consists of the following standard paragraphs: B, C, and D2.

5. a. Type of Application: Amendment of License.

b. Project No: 2574-005.

c. Date Filed: March 21, 1988.

d. Applicant: Merimil Limited Partnership.

e. Name of Project: Lockwood.

f. Location: On the Kennebec River in Kennebec County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Applicant Contact:

Mr. Stephen D. Padula, Central Maine Power Company, Edison Drive, Augusta, ME 04336, (207) 623-3521.

i. FERC Contact: Robert Grieve, (202) 357-0655.

j. Comment Date: April 30, 1990.

k. Description of the Amendment: Licensee has requested that article 13 of the extant project license be amended to require licensee to provide funding, installation and operation of downstream and upstream fish passage facilities. The licensee would also

conduct fisheries monitoring and other studies to facilitate restoration of shad, alewives and Atlantic salmon populations in the Kennebec River system. The amendment would be in accordance with an agreement that licensee has entered into with the Maine Department of Marine Resources, the Maine Atlantic Sea Run Salmon Commission, and the Maine Department of Inland Fisheries and Wildlife. The licensee proposes to install permanent downstream and upstream fish passage facilities by May 1, 1999.

l. This notice consists of the following standard paragraphs: B, C, and D2.

6. a. Type of Application: Amendment of License.

b. Project No: 2611–008.

c. Date Filed: December 22, 1987.

d. Applicant: Scott Paper Company and UAH-Hydro Kennebec Limited Partnership.

e. Name of Project: Hydro-Kennebec.

f. Location: On the Kennebec River in Kennebec and Somerset Counties, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Applicant Contact:

Mr. Albert Good, United American Energy Corp., 50 Tice Boulevard, Woodcliff Lake, NJ 07675, (201) 307–1818.

i. FERC Contact: Robert Grieve, (202) 357–0655.

j. Comment Date: April 30, 1990.

k. Description of the Amendment: Licensee has requested that article 405 of the extant project license be amended to require licensee to provide funding, installation and operation of downstream and upstream fish passage facilities. The licnesee would also conduct fisheries monitoring and other studies to facilitate restoration of shad, alewives and Atlantic salmon populations in the Kennebec River system. The amendment would be in accordance with an agreement that licensee has entered into with the Maine Department of Marine Resources, the Maine Atlantic Sea Run Salmon Commission, and the Maine Department of Inland Fisheries and Wildlife. The licensee proposes to install permanent downstream and upstream fish passage facilities by May 1, 1999.

l. This notice consists of the following standard paragraphs: B, C, and D2.

7. a. Type of filing: Amendment to the pending application for Major License.

b. Project No: 3194–006.

c. Date Filed: December 16, 1987 (Original license application filed May 31, 1983).

d. Applicant: Joseph Martin Keating.

e. Name of Project: Foottrail Project.

f. Location: Occupies lands in the El Dorado National Forest, on the Silver Fork of the American River near the town of Kyburz, in El Dorado County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Applicant Contact:

Mr. Joseph Keating, 847 Pacific Street, Placerville, CA 95667, (916) 622–9013.

i. FERC Contact: Thomas Dean, (202) 357–0841.

j. Comment Date: April 27, 1990. (The deadline for filing competing applications was October 9, 1984, as stated in the original notice of the application issued on August 7, 1984).

k. Description of Project: The project as modified by this amendment would consist of: (1) An 8-foot-high, 80-foot-long native boulder diversion dam with an intake elevation of 5,850 feet msl; (2) an 8-foot-diameter, 1,130-foot-long horseshoe-shaped tunnel leading to; (3) a 0.13-acre offstream pond; (4) an 8-foot-diameter, 1,400-foot-long horseshoe-shaped tunnel; (5) a 96-inch-diameter, 300-foot-long partially buried penstock; (6) a 56-inch-diameter, 1,200-foot-long buried penstock leading to; (7) a powerhouse at elevation 5,564 feet msl containing three generating units with a total capacity of 3,300 kilowatts; and (8) a 13.5-mile-long, 115-kilovolt transmission line leading to Pacific Gas and Electric Company's Salt Springs powerhouse. The estimated average annual energy production is 10.5 GWh.

l. Purpose of Project: Applicant intends to sell the power generated from the proposed facility to Pacific Gas and Electric Company.

m. This notice also consists of the following standard paragraphs: A4, B, and C.

8. a. Type of Application: Amendment of License.

b. Project No: 5073–013.

c. Date Filed: December 28, 1987.

d. Applicant: Benton Falls Associates.

e. Name of Project: Benton Falls.

f. Location: On the Sebasticook River in Kennebec County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact:

Mr. Everett E. Whitman, Benton Falls Associates, RFD No. 2, Augusta Road, Winslow, ME 04901, (207) 453–7412.

i. FERC Contact: Robert Grieve, (202) 357–0655.

j. Comment Date: April 30, 1990.

k. Description of the Amendment: Licensee has requested that the extant project license be amended to include a new article that requires the licensee to provide funding, installation and operation of downstream and upstream fish passage facilities. The licensee would also conduct fisheries monitoring and other studies to facilitate restoration of shad, alewives and Atlantic salmon populations in the Kennebec River system. The amendment would be in accordance with an agreement that licensee has entered into with the Maine Department of Marine Resources, the Maine Atlantic Sea Run Salmon Commission, and the Maine Department of Inland Fisheries and Wildlife. The licensee proposes to install permanent downstream and upstream fish passage facilities by December 31, 1991, and May 1, 1999, respectively.

l. This notice consists of the following standard paragraphs: B, C, and D2.

9. a. Type of Application: Declaration of Intention.

b. Project No.: EL90–18–000.

c. Date Filed: Feburary 26, 1990.

d. Applicant: Wailuku River Hydroelectric Power Company, Inc.

e. Name of Project: Wailuku River Project (HI).

f. Location: Wailuku River, Hilo, Island of Hawaii.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. Applicant Contact:

McNeill Watkins II, Bishop, Cook, Purcell & Reynolds, 1400 L Street NW., Washington, DC 20005, (202) 371–5785.

K. Reed Noble, Creamer & Noble Engineers, Post Office Box 1094, St. George, UT 84770, (801) 673–4677.

i. FERC Contact: Hank Ecton, (202) 357–0678.

j. Comment Date: April 30, 1990.

k. Description of Project: The proposed Wailuku River Hydroelectric Project would consist of: (1) Two proposed diversion pipes, approximately 6,000 feet long, carrying water from the Wailuku River and the Kalohewahewa Stream to a penstock; (2) a penstock, approximately 13,000 feet long, transporting water to the powerhouse; (3) a proposed power house that will contain two turbines with a combined capacity of 9,800 kilowatts; (4) a transmission line, approximately 5,100 feet long; and (5) appurtenant facilities. The energy produced by the project will be sold to the Hawaii Electric Light Company.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission

also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. Purpose of Project: Applicant intends to sell the energy produced to the Hawaii Electric Light Company.

m. This notice also consists of the following standard paragraphs: B, C, and D2.

Standard Paragraphs

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 16, 1990, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 90-6496 Filed 3-21-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-957-000, et al.]

United Gas Pipeline Company, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipeline Company

[Docket No. CP90-957-000]

March 13, 1990.

Take notice that on March 9, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-957-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Phibro Distributors Corporation (Phibro), a marketer, under the blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that pursuant to a transportation agreement dated June 2, 1989, as amended on October 24, 1989, under its Rate Schedule ITS, it proposes to transport up to 309,000 MMBtu per day equivalent of natural gas for Phibro. United states that it would transport the gas from receipt points as shown in Exhibit "A" of the amended transportation agreement and would deliver the gas to delivery points shown in Exhibit "B" of the agreement.

United advises that service under § 284.223(a) commenced January 22, 1990, as reported in Docket No. ST90-1724-000 (filed February 1, 1990). United further advises that it would transport 309,000 MMBtu on an average day and 112,785,000 MMBtu annually.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

2. Sea Robin Pipeline Company

[Docket No. CP90-955-000]

March 13, 1990.

Take notice than on March 9, 1990, Sea Robin Pipeline Company (Sea Robin), P.O. Box 1478, Houston, Texas 77251, filed in Docket No. CP90-955-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under the blanket certificate issued in Docket No. CP88-824-000 pursuant to section 7 of the National Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Sea Robin proposes to transport natural gas on an interruptible basis for Superior Natural Gas Corporation (Superior). Sea Robin explains that service commenced December 30, 1989, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90-1882. Sea Robin explains that the peak day quantity would be 77,250 MMBtu, the average daily quantity would be 77,250 MMBtu, and that the annual quantity would be 28,196,250 MMBtu. Sea Robin explains that it would receive natural gas for Superior's account at various receipt points in Offshore Louisiana. Sea Robin states that it would redeliver the gas at various points in Vermilion Parish, Louisiana.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP90-942-000]

March 13, 1990.

Take notice that on March 8, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251, filed in Docket No. CP90-942-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under the blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is

on file with the Commission and open to public inspection.

United proposes to transport natural gas on an interruptible basis for Conoco, Inc. (Conoco). United explains that service commenced January 19, 1990, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90–1964–000. United explains that the peak day quantity would be 18,540 MMBtu, the average daily quantity would be 18,540 MMBtu, and that the annual quantity would be 6,767,100 MMBtu. United explains that it would receive natural gas for Conoco's account at various receipt points in the state of Texas, and Offshore Louisiana. United states that it would redeliver the gas at delivery points in the state of Louisiana, and Offshore Louisiana.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

4. Trunkline Gas Company

[Docket No. CP90–950–000]

March 13, 1990.

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–950–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Coastal Gas Marketing Company (Coastal), under Trunkline's blanket certificate issued in Docket No. CP86–586–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline requests authorization to transport, on an interruptible basis, up to a maximum of 100,000 dekatherms of natural gas per day for Coastal from receipt points located in Illinois, Louisiana, Offshore Louisiana, Tennessee, Texas and Offshore Texas to a delivery point located in St. Mary Parish, Louisiana. Trunkline anticipates transporting 100,000 dekatherms of natural gas on an average day and an annual volume of 36,500,000 dekatherms.

Trunkline states that the transportation of natural gas for Coastal commenced January 31, 1990, as reported in Docket No. ST90–1941–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Trunkline in Docket No. CP86–586–000.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. United Gas Pipe Line Company

[Docket No. CP90–941–000]

March 13, 1990.

Take notice that on March 8, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–941–000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to provide a transportation service for Enermark Gas Gathering Corporation (Enermark), a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United proposes to transport, on an interruptible basis, up to 103,000 MMBtu of natural gas equivalent per day for Emermark pursuant to a transportation agreement dated September 15, 1989, as amended on January 9, 1990, between United and Enermark. United would receive natural gas at various receipt points in Louisiana, Mississippi, Texas, and Alabama and redeliver equivalent volumes of gas at various delivery points in Louisiana, Mississippi, Texas and Alabama.

United further states that the estimated average daily and annual quantities would be 103,000 MMBtu and 37,595,000 MMBtu respectively. Service under § 284.223(a) commenced January 30, 1990, as reported in Docket No. ST90–1900–000, it is stated.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90–944–000]

March 13, 1990.

Take notice that on March 8, 1990, Transcontinental Gas Pipe Line Company (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP90–944–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Kerr-McGee Corporation (Kerr-McGee), a producer, under Transco's blanket certificate issued in Docket No. CP88–328–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco proposes to transport on an interruptible basis up to 420,200 dt equivalent of natural gas on a peak day, 75,000 dt equivalent on an average day and 27,375,000 dt equivalent on an annual basis for Kerr-McGee. Transco states that it would perform the transportation service for Kerr-McGee under Transco's Rate Schedule IT. Transco indicates that it would transport the gas from receipt points in offshore Louisiana, offshore Texas, Mississippi, offshore Louisiana, and offshore Texas, to various delivery points located in Texas, Louisiana, Pennsylvania, South Carolina, New Jersey, and Georgia.

It is explained that the service commenced February 1, 1990, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–2006. Transco indicates that no new facilities would be necessary to provide the subject service.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

7. United Gas Pipe Line Company

[Docket No. CP90–958–000]

March 13, 1990.

Take notice that on March 9, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–958–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Sun Operating Limited Partnership (Sun Operating), under the authorization issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United would perform the proposed interruptible transportation service for Sun Operating, a producer of natural gas, pursuant to an interruptible gas transportation service agreement dated October 19, 1989, as amended on December 22, 1989 (Agreement No. T1–21–1926, Reference No. 3754). The term of the transportation agreement is for a primary term of one month from the date of first delivery of gas and shall continue for successive one month terms thereafter until terminated by either party within thirty days written notice. United proposes to transport on a peak day up to 61,800 MMBtu; on an average day up to 61,800 MMBtu; and on an annual basis 22,557,000 MMBtu of natural gas for Sun Operating. United states that it would receive and deliver the subject gas to various existing receipt and delivery points on its pipeline system. It is alleged that Sun Operating would pay United the effective rate contained in United's rate schedule ITS, or such other rates as may be just and reasonable to United. United

avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. United commenced such self-implementing service on January 17, 1990, as reported in Docket No. ST90–1802–000.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

8. Columbia Gas Transmission Corporation

[Docket No. CP90–931–000]

March 13, 1990.

Take notice that on March 7, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, file in Docket No. CP90–931–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of JDS Energy Corporation (JDS Energy), under Columbia's blanket certificate issued in Docket No. CP86–240–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia requests authorization to transport, on an interruptible basis, up to a maximum of 15,000 MMBtu of natural gas per day for JDS Energy from various Appalachian meters on Columbia's piepeline system to existing interconnections with Columbia's transmission system. Columbia anticipates transporting 12,000 MMBtu of natural gas on an average day and an annual volume of 5,475,000 MMBtu.

Columbia states that the transportation of natural gas for JDS Energy commenced December 10, 1989, as reported in Docket No. ST90–1391–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Columbia in Docket No. CP86–240–000.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

9. Texas Eastern Transmission Corporation

[Docket No. CP90–935–000]

March 13, 1990.

Take notice that on March 8, 1990, Texas Eastern Transmission Corporation (Texas Eaxtern), Post Office Box 2521, Houston, Texas 77252–2521, filed in Docket No. CP90–935–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Chevron U.S.A. Inc. (Chevron), a producer of natural gas, under Chevron's blanket certificate issued in Docket No. CP88–136–000, as amended in Docket No. CP88–136–007, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Eastern states that pursuant to a Service Agreement (Agreement) dated November 15, 1989, under its Rate Schedule IT–1, it would transport up to 1,800,000 MMBtu per day on an interruptible basis on behalf of Chevron. Texas Eastern further states that the Agreement privides for it to receive the natural gas from existing receipt points on its system offshore Louisiana and onshore Louisiana, Texas, Mississippi, Illinois, Alabama and Ohio. Texas Eastern indicates that it would then transport and redeliver the natural gas, less applicable shrinkage, to existing delivery points on its system onshore Louisiana, Texas, Mississippi, Alabama, Ohio and New Jersey. Texas Eastern further indicates that the estimated daily and estimated annual quantities to be transported would be 1,800,000 MMBtu and 657,000,000 MMBtu, respectively.

Texas Eastern states that service under Section 284.223(a) of the Commission's Regualtions (18 CFR 284.223(a)) commenced on November 23, 1989, as reported in Docket No. ST90–1897–000.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

10. Williams Natural Gas Company

[Docket No. CP90–896–000]

March 13, 1990.

Take notice that on March 2, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–896–000 an applicant pursuant to section 7(b) of the Natural Gas Act for permission and approval to partially abandon the maximum daily quantity of gas it provides to the City of Liberal, Missouri, and the City of Mulberry, Kansas (Cities), existing jurisdictional sales customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, WNG seeks authority to reduce the maximum daily qantity of gas provided to each of the Cities under their respective Rate Schedule PR(A) gas sales contracts from 378 Mcf of natural gas to 290 dekatherms of natural gas, retroactive to September 1, 1989. WNG further states that it agrees to reimbuse the Cities the excess amounts paid between September 1, 1989, and the issue date of the Commission order sought.

WNG states that on July 26, 1988, each of the Cities individually executed new gas sales contracts with maximum daily quantities of 378 Mcf of natural gas. It is also stated that the initial volumes were based on incomplete information. After experiencing a winter season and monitoring daily demands, it is stated that the Cities now requests that WNG lower the maximum daily quantities to 290 dekatherms for each city, individually. It is stated that WNG is agreeable to the abandonment since there will be no significant operational or financial impact on WNG. No facility abandonment is proposed herein.

Comment date: April 4, 1990, in accordance with Standard Paragraph F at the end of this notice.

11. Trunkline Gas Company

[Docket No. CP90–949–000]

March 13, 1990.

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed a request with the Commission in Docket No. CP90–949–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas on behalf of Sun Operating Limited Partnership (Sun Operating), a natural gas producer and shipper, under Trunkline's blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Trunkline proposes an interruptible natural gas transportation service of 100,000 dt equivalent on peak and average days, and 36,500,000 dt equivalent annually for Sun Operating. Trunkline states that it would receive the gas at various existing Illinois, Louisiana, offshore Louisiana, Tennessee, Texas, and offshore Texas receipt points and would deliver equivalent volumes, less fuel and unaccounted for line loss, at an existing interconnection with Texas Eastern Transmission Corporation in Gillis, Beauregard Parish, Louisiana. Trunkline states that it commenced transporting natural gas for Sun Operating's account on February 5, 1990, under the self-implementing authorization of § 284.223(a) of the Regulations, as reported in Docket No. ST90–1936.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

12. Trunkline Gas Company

[Docket No. CP90-946-000]

March 13, 1990

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, 77251-1642, filed in Docket No. CP90-946-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Amoco Energy Trading Corporation (Amoco Energy), under Trunkline's blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline requests authorization to transport, on an interruptible basis, up to a maximum of 61,450 dt of natural gas per day for Amoco Energy from receipt points located in Illinois, Louisiana, offshore Louisiana, Tennessee, offshore Texas and Texas to delivery points located in Illinois. Trunkline anticipates transporting, on an average day 61,450 dt and an annual volume of 22,429,250 dt.

Trunkline states that the transportation of natural gas for Amoco Energy commenced February 1, 1990, as reported in Docket No. ST90-1940-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Trunkline in Docket No. CP86-586-000.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

13. Northwest Pipeline Corporation

[Docket No. CP90-869-000]

March 13, 1990.

Take notice that on February 28, 1990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP90-869-000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for an order granting the requisite authorizations for Northwest to implement the various service changes which it has proposed in Phase II of its current general rate proceeding in Docket No. RP88-47; all as more fully set forth in the application which is on file with the Commission and open to inspection.

Northwest requests: (1) Blanket pre-granted abandonment authorization for any permanent reductions in firm contract demand under Rate Schedules ODL-1, DS-1 and X-87 that result from the one-time capacity renomination procedure to be allowed in connection with rate redesign in Phase II of Docket No. RP88-47; (2) a blanket certificate of public convenience and necessity authorizing the implementation of any replacement Rate Schedule ODL-1 and DS-1 service agreements for ODL-1/DS-1 capacity permanently abandoned under the capacity renomination process; (3) blanket permission and approval for partial, limited-term abandonments of temporarily released firm sales contract demands and Rate Schedule X-87 firm transportation contract demand; (4) a blanket certificate of public convenience and necessity, with pre-granted abandonment, authorizing use of temporarily released sales contract demands for limited-term firm sales under a new Rate Schedule RSF-1 and use of temporarily released transportation contract demands for limited-term firm transportation under existing Rate Schedule TF-1, but subject to a demand charge of up to twice the maximum TF-1 rate; (5) a blanket certificate of public convenience and necessity authorizing interruptible sales for resale of system supply gas to any potential customer pursuant to a new Rate Schedule IS-1 and authorizing transportation of system supply gas incident to direct sales to any end-user, with pre-granted abandonment upon termination of the agreements underlying each individual sales arrangement; (6) permission and approval to abandon existing Rate Schedule IOS-1 for interruptible sales service; and (7) a blanket amendment of existing certificates of public convenience and necessity to authorize Northwest to discount its certificated firms sales services under Rate Schedules ODL-1 and DS-1 and its certificated transportation service under special rate schedules set forth in Volume No. 2 of Northwest's FERC Gas Tariff.

It is stated that based upon the tentative rates established in Docket No. RP88-47, Phase II, Northwest intends to allow ODL-1, DS-1, X-87 and TF-1 customers the opportunity to nominate reduced levels of service. Northwest states that these firm customers would have 30 days from the date of the order approving tentative rates in Docket No. RP88-47 in which to nominate any desired reduced service levels. Northwest explains that final rates then would be designed to reflect the nominated service levels. Northwest further explains that any renominated contract demands would be effective concurrently with the effectiveness of the final rates in Phase II of Docket No. RP88-47 and would remain effective for the term of the related underlying customer service agreements.

Northwest states that firm capacity made available by this renomination process would be offered to requesting parties on a first-come, first-served basis. Northwest further states that permanent reductions in firm transportation contract demand would make capacity available for new Rate Schedule TF-1 transportation services. It is explained that any capacity made available by permanent contract demand reduction under the ODL-1 and DS-1 sales rate schedules would be available either for new ODL-1/DS-1 sales or TF-1 transportation services.

Northwest requests blanket certificate authority to implement any replacement Rate Schedule ODL-1 or DS-1 sales service agreements which result from the capacity made available under this renomination process. Northwest states that any resulting new firm transportation transactions would be self-implemented under part 284 of the Commission's Regulations.

Northwest requests the Commission to grant blanket permission and approval for Northwest to partially abandon, for limited-terms, its obligation to serve firm sales contract demands at specific delivery points under Rate Schedules ODL-1 and DS-1 and firm transportation contract demand under Rate Schedule X-87, while maintaining the obligations of the affected customers to pay demand charges on the original contract demand consistent with any temporary releases of such firm contract demands agreed to by Northwest.

To utilize temporarily released firm sales capacity, Northwest requests blanket certificate authorization, with pregranted abandonment, to implement limited-term firm sales pursuant to a new firm sales Rate Schedule RSF-1 and appropriate service agreements thereunder. Northwest explains that Rate Schedule RSF-1 is patterned on the existing firm sales Rate Schedules ODL-1 and DS-1, but differs in three significant respects. First, while service under ODL-1 and DS-1 is available only to distribution and pipeline companies, service under RSF-1 would be available to any entity. Second, combined or conjunctive billing is used for service agreements under ODL-1 and DS-1, while contract demand under RSF-1 service agreements would be delivery point specific. Third, although the maximum commodity rates are identical for RSF-1, ODL-1 and DS-1 services, service under RSF-1 is proposed to be subject to a maximum demand charge of twice the non-gas cost component of the ODL-1 and DS-1 maximum demand charge rate, plus the applicable gas cost component.

Further, in order to use temporarily released firm transportation capacity, Northwest requests that its blanket transportation certificate issued in Docket No. CP86-578 be amended to the extent necessary to: (1) Allow Northwest to continue collecting Rate Schedule TF-1 demand charges from the releasing customer for all capacity temporarily released and (2) allow Northwest to provide service under TF-1 to new temporary substitute customers at demand charge rates up to double the

otherwise applicable maximum demand charge for TF–1 service.

Northwest proposes to allow temporary releases of firm sales and transportation capacity, for a minimum term of one month, provided a substitute firm customer can be found for all capacity made available as a result of the release. It is explained that when Northwest receives a request for a temporary contract demand reduction, the information would be posted on an electronic bulletin board specifying the capacity that is available. Northwest states that potential customers may then bid for the released capacity during a 15 day period, with the highest bidder receiving the right to the capacity. Northwest explains that it then would execute a temporary capacity release agreement with the original customer and a limited-term service agreement under Rate Schedule RSF–1 (for released sales capacity) or under TF–1 (for release transportation capacity) with the new customer.

Northwest proposes to share revenues attributable to released capacity services. Northwest states that it would return to the releasing customer 100% of the gas cost component of any duplicate demand revenue received for sales under Rate Schedule RSF–1 and, for the non-gas cost component of all duplicate demand charge revenues received from new customers up to 111.11 percent of the releasing customer's demand charge, Northwest would return 90 percent to the releasing customer, while retaining only 10 percent for itself. Northwest states that this would allow the releasing customer, to recoup its full demand costs prior to any further sharing or revenue. Northwest also states that the non-gas cost component of any revenues received for demand charges above the 111.11 percent level would also be shared. Northwest avers that it would retain 25 percent of these excess revenues and all firm customers subject to Northwest's Rate Schedule ODL–1, DS–1 or TF–1 rates would share 75 percent of these excess revenues based on their respective contract demand levels.

Northwest requests the Commission to issue a blanket certificate of public convenience and necessity authorizing Northwest to make interruptible sales for resale of surplus system gas supply to any potential customer at any point on Northwest's transmission system in accordance with a new Rate Schedule IS–1 and appropriate service agreements thereunder. Further, Northwest requests blanket certificate authorization to provide jurisdictional transportation services incident to making non-jurisdictional, interruptible direct sales of surplus system supply gas to end-users. Northwest also requests pre-granted abandonment approval to terminate these interruptible sales for resale and interruptible direct sales deliveries upon expiration of the underlying sales agreements.

Concurrently with approval of the new interruptible sales Rate Schedule IS–1, Northwest requests the Commission to issue an order granting it permission and approval to abandon its existing Rate Schedule IOS–1 which has been available only on a limited basis for interruptible sales for resale to Northwest's Rate Schedule ODL–1 customers.

For interruptible sales under Rate Schedule IS–1, Northwest proposes to charge negotiated rates within a designated range on a seasonal basis. The minimum base sales rate is proposed to be equal to Northwest's estimated weighted average commodity cost of gas as shown in its latest scheduled PGA filing, plus the other variable costs incurred to provide the service. The maximum base sales rate initially is proposed to be based on Northwest's seasonal Rate Schedule ODL–1 and DS–1 rates at a system average load factor. Northwest states that the initial IS–1 sales rates, exclusive of add-ons, would range from the minimum of approximately $1.95 per Dt to the maximums of approximately $2.47 per Dt for the winter season (November through March) and approximately $2.38 per Dt for the summer season (April through October), assuming current PGA gas costs and approval of Northwest's proposed rates in Phase II of Docket No. RP88–47.

Northwest states that the maximum IS–1 rates assume that the gas is sold at a delivery point to another party's facilities. Northwest further states that if the gas is sold at a point on Northwest's system that necessitates an additional transportation service on Northwest's system under a separate transportation agreement to enable the purchaser to obtain ultimate delivery of such gas, then the maximum IS–1 rate shall be deemed to be the otherwise applicable maximum sales rate less the transportation rate charged under the related transportation agreement.

For any gas sold under Rate Schedule IS–1, Northwest proposes to credit Account No. 191 with its estimated average commodity cost of gas purchased, as shown in its latest scheduled PGA filing. Northwest states that its current PGA commodity gas cost, as reflected in the above initial rates, is $1.7462 per MMBtu. Since basing the maximum IS–1 rate upon the average firm load factor rate allows Northwest to charge higher than the fully allocated rate, Northwest proposes to share any revenues received for IS–1 service attributable to the non-gas cost portion of the charged rates which exceed the non-gas cost portions of higher than the fully allocated rate. Northwest states that it would retain 25 percent of such excess revenues and refund the balance of the excess (75 percent) to all its ODL–1, DS–1 and TF–1 customers in proportion to their respective firm contract demands.

To the extent Northwest agrees to discount the transportation cost component of its IS–1 rate to a particular customer by a specified amount for a specific volume and time period, Northwest proposes to offer to discount its Rate Schedule TI–1 interruptible transportation rate for that same customer by the same amount, but only for the same time period and only for that portion of the specified volume of discounted IS–1 gas which is not purchased by the customer under Rate Schedule IS–1 during that time period. Northwest explains that the first 31.14 cents per Dt of any IS–1 discount would represent the non-transportation cost component of the IS–1 rate and, hence, will not trigger the correlative transportation service discount.

Rate Schedule IS–1 provides that sales thereunder would be available on a non-discriminatory basis to all potential customers on a first-come, first-served basis. For the purposes of scheduling, allocation of capacity or curtailment of service, Northwest intends to treat sales under Rate Schedule IS–1 in the same manner as Northwest's other interruptible services. It is explained that upon issuance of a Commission order approving the IS–1 service, Northwest would begin accepting requests for such service. All requests received in the first 30 days after issuance of the certificate are proposed to be accorded the order date as a common priority date.

Northwest proposes to accept nominations for IS–1 sales under executed service agreements only to the extent that: (1) It has available system supply gas which is surplus to its current requirements for firm sales and storage injections, and (2) it has available pipeline capacity to deliver the gas to the sales point without impacting higher priority transmission services. Northwest proposes to utilize the electronic bulletin board procedures to be set forth in section 5.1 of Rate Schedule IS–1, Sheet No. 55 Volume No. 1 of its FERC Gas Tariff, to post by the

twentieth of each month the volume of gas it anticipates having available for IS–1 sales of the following month.

Northwest requests the Commission to issue a blanket amendment of all relevant existing certificates of public convenience and necessity to authorize Northwest to discount its certificated firm sales services under Rate Schedules ODL–1 and DS–1 and most of its certificated transportation services under the special rate schedules included in Volume No. 2 of Northwest's FERC Gas Tariff.

Northwest also requests that the Commission grant any certificate approval necessary to allow Northwest to discount the SSP charge component of its Rate Schedule SGS–1 sales commodity rate. Other than that one component, Northwest is not proposing to discount its storage service rates under SGS–1.

Comment date: April 3, 1990, in accordance with Standard Paragraph F at the end of this notice.

14. Williams Natural Gas Company

[Docket No. CP90–928–000]

March 13, 1990.

Take notice that on March 7, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–928–000 an application pursuant to § 157.205 of the Commission's Regulatons under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Mobil Natural Gas, Inc. (Mobil), a marketer of natural gas, under WNG's blanket certificate issued in Docket No. CP86–631–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG proposes to transport, on a firm basis, up to a maximum of 20,000 dt equivalent of natural gas for Mobil from various receipt points in Kansas to various delivery points on WNG's pipeline system located in Kansas. WNG states that the maximum day, average day, and annual transportation volumes would be approximately 20,000 dt, 20,000 dt, and 7,300,000 dt equivalent of natural gas respectively.

WNG further states that the transportation of natural gas for Mobil commenced on January 2, 1990, as reported in Docket No. ST90–1770, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations.

WNG advices that construction of facilities would not be required to provide the proposed service.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

15. Columbia Gulf Transmission Company

[Docket No. CP90–933–000]

March 13, 1990.

Take notice that on March 7, 1990, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama, Houston, Texas 77027, filed in Docket No. CP90–933–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide transportation service on behalf of Union Texas Products Corporation (Union Texas) under the blanket certificate issued in Docket No. CP86–239–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia Gulf states that pursuant to a Transportation Agreement dated April 1, 1987, it proposes to transport, on an interruptible basis, up to 1,500 dt per day of natural gas for Union Texas. Columbia Gulf states that it would transport the gas from a specified point in St. Mary Parish, Louisiana and redeliver the gas to a fuel processing plant in Acadia Parish, Louisiana.

Columbia Gulf also states that the estimated daily and annual quantities would be 700 dt and 255,500 dt, respectively.

Columbia Gulf further states that it commenced this service on February 1, 1988, as reported in Docket No. ST90–1852–000.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

16. Trunkline Gas Company

[Docket No. CP90–947–000]

March 13, 1990.

Take notice that on March 12, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–947–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Manville Sales Corp. (Manville), under Trunkline's blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline proposes to transport, on an interruptible basis, up to 30,000 dt. equivalent of natural gas per day for Manville. Trunkline states that construction of facilities would not be required to provide the proposed service.

Trunkline further states that the maximum day, average day, and annual transportation volumes would be approximately 30,000 dt. equivalent, 18,000 dt. equivalent and 6,570,000 dt. equivalent respectively.

Trunkline advises that service under § 284.223(a) commenced February 1, 1990, as reported in Docket No. ST90–1934.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

17. Trunkline Gas Company

[Docket No. CP90–953–000]

March 13, 1990.

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–953–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas on behalf of PSI, Inc. (PSI), a marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline proposes to transport, on an interruptible basis, up to 150,000 dt equivalent of natural gas on a peak day for PSI, 75,000 dt equivalent on an average day, and 27,375,000 dt equivalent on an annual basis. It is stated that Trunkline would receive the gas at designated receipt points in Illinois, Tennessee, Louisiana, offshore Louisiana, Texas, and offshore Texas, and would deliver equivalent volumes, less fuel and unaccounted for line loss, to an interconnection with Southern Natural Gas Company in West Carroll Parish, Louisiana. It is asserted that the transportation service would be effected using existing facilities and that no construction of additional facilities would be required. It is explained that the transportation service commenced February 1, 1990, under the self-implementing authorization of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–1937.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

18. United Gas Pipe Line Company

[Docket No. CP90–938–000]

March 13, 1990.

Take notice that on March 8, 1990, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–938–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Transco Energy Marketing Company (Shipper), a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United proposes to transport, on an interruptible basis, up to 309,000 MMBtu of natural gas on a peak day, 309,000 MMBtu on an average day, and 112,785,000 MMBtu on an annual basis for Shipper. United states that it would perform the transportation service for Shipper under United's Rate Schedule ITS. United indicates that it would receive the gas at various points in Louisiana and would deliver equivalent volumes at various points in Louisiana.

It is explained that the service commenced January 1, 1990, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–1755. United indicates that no new facilities would be necessary to provide the subject service.

Comment date: April 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

19. Panhandle Eastern Pipe Line Company

[Docket No. CP90–962–000]

March 14, 1990.

Take notice that on March 12, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–962–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Meridian Oil Trading Inc. (Meridian), a marketer, under the blanket certificate issued in Docket No. CP86–585–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated January 25, 1990, under its Rate Schedule PT, it proposes to transport up to 40,000 dekatherms (dt) per day equivalent of natural gas for Meridian. Panhandle states that it would transport the gas from various receipt points in Colorado, Kansas, Oklahoma and Texas, and deliver such gas, less fuel and unaccounted for line loss, to Haven Pool in Reno County, Kansas.

Panhandle advises that service under § 284.223(a) commenced February 1, 1990, as reported in Docket No. ST90–2012–000. Panhandle further advises that it would transport 10,000 dt on an average day and 3,650,000 dt annually.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

20. CNG Transmission Corporation

[Docket No. CP90–974–000]

March 14, 1990.

Take notice that on March 14, 1990, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26302–2450, filed in Docket No. CP90–974–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Phoenix Diversified Ventures, Inc. (Phoenix), a marketer, under the blanket certificate issued in Docket No. CP86–311–000, pursuant to section 7 of the Natural Gas Act, all a more fully set forth in the request that is on file with the Commission and open to public inspection.

CNG states that pursuant to a transportation agreement dated December 21, 1989, under its Rate Schedule TI, it proposes to transport up to 7,000 dekatherms (dt) per day equivalent of natural gas for Phoenix. CNG states that it would transport the gas from the receipt points shown in the transportation agreement and would deliver the gas for the account of Phoenix at interconnections between facilities of CNG and The Peoples Natural Gas Company.

CNG advises that service under § 284.223(a) commenced February 1, 1990, as reported in Docket No. ST90–1646–000. CNG further advises that it would transport 1,168 dt on an average day and 426,320 dt annually.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

21. Panhandle Eastern Pipe Line Company

[Docket No. CP90–963–000]

March 14, 1990.

Take notice that on March 12, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–963–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to perform an interruptible transportation service for Amoco Energy Trading Corporation (Amoco), a marketer, under Panhandle's blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated January 15, 1990, it proposes to transport up to 60,600 dt equivalent of natural gas per day for Amoco. Panhandle states that it would receive the gas at specified points located in Colorado, Illinois, Kansas, Michigan, Ohio, Oklahoma and Texas and redeliver the gas, less fuel and unaccounted for line loss, to Union Gas Limited in Wayne County, Michigan. Panhandle estimates that the maximum and average day volumes would be 60,600 dt equivalent of natural gas and that the annual volumes would be 22,119,000 dt equivalent of natural gas. It is stated that on February 1, 1990, Panhandle initiated a 120-day transportation service for Amoco under § 284.223(a), as reported in Docket No. ST90–2014–000.

Panhandle further states that no facilities need be constructed to implement the service. It is stated that the agreement would continue on a month-to-month basis until terminated on thirty days prior notice to the other. Panhandle proposes to charge rates and abide by the terms and conditions of its Rate Schedule PT.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

22. Panhandle Eastern Pipe Line Company

[Docket No. CP90–965–000]

March 14, 1990

Take notice that on March 12, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–965–000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under a Natural Gas Act for authorization to provide transportation service for Anadarko Trading Company (Anadarko), a shipper and marketer of natural gas, under Panhandle's blanket certificate issued in Docket No. CP86–

585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open for public inspection.

Panhandle requests authorization to transport, on a firm basis, up to a maximum of 10,000 dt equivalent of natural gas per day for Anadarko pursuant to a transportation agreement dated February 1, 1990. Panhandle states that it would receive the gas from Haven Pool, Reno County, Kansas and redeliver the gas, less fuel and unaccounted for line loss, to Michigan Consolidated Gas Company, Wayne County, Michigan. Panhandle indicates that the total volume of gas to be transported for Anadarko on a peak day would be 10,000 dt; on an average day would be 10,000 dt; and on an annual basis would be 3,650,000 dt.

Panhandle states that it commenced the transportation of natural gas for Anadarko on February 1, 1990, at Docket No. ST90–2011–000 for a 120-day period pursuant to § 284.223(a)(1) of the Commission's Regulations. Panhandle indicates that it proposes no new facilities in order to provide this transportation service.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

23. Algonquin Gas Transportation Company

[Docket No. CP89–661–001]

March 14, 1990.

Take notice that on February 28, 1990, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) an amendment to its application in Docket No. CP89–661–000, seeking a certificate of public convenience and necessity authorizing the construction, operation and abandonment of certain pipeline facilities, and the implementation of firm transportation services, all as described therein.

Specifically, Algonquin seeks a certificate of public convenience and necessity authorizing the firm transportation under proposed Rate Schedule AFT–2 of up to 131–730 MMBtu per day of natural gas on behalf of certain shippers; the firm transportation under proposed Rate Schedule X–38 of up to 164,220 MMBtu per day of natural gas on behalf of New England Power Company; and, the construction, operation and abandonment of certain pipeline and appurtenant facilities to enable Algonquin to transport said quantities of natural gas. Algonquin states that its application as amended is required to implement inter alia downstream transportation for Open Season Settlement Shippers which are to receive upstream transportation service from the Iroquois/Tennessee Project and the ANR Project in Docket Nos. CP89–634–000 and CP89–637–000, respectively, as set forth more fully in Algonquin's amendment which is on file with the Commission and available for public inspection.

Since Algonquin filed its original application on January 17, 1989, numerous changes have occurred in the market to be served by the Open Season Settlement Projects. These changes include *inter alia*, shipper renominations of upstream transportation, renominated volumes on Algonquin's system, revised points of receipt on Algonquin's system and revised inservice dates for certain projects. Algonquin's original application responded to shipper elections of upstream transportation made during settlement negotiations. Algonquin's amendment responds to the changed circumstances surrounding the Open Season Settlement Projects and new shippper elections. Algonquin states that its amendment is consistent with and complements the recently amended applications of Iroquois Gas Transmission System and Tennessee Gas Pipeline Company which provide transportation service for the Open Season shippers.

Algonquin proposes to construct and operate 45.5 miles of various size pipeline loop and replacement pipe ranging from 12–inch diameter to 3-inch diameter in the states of New York, Connecticut, Rhode Island and Massachusetts; to install a 12,600–horsepower compressor station in Chaplin, Connecticut; and, to construct and operate new meter stations in Providence, Rhode Island, and in Dartmouth and Somerset, Massachusetts.

The total cost of facilities required to transport the quantities of natural gas for the foregoing shippers is estimated to be $144,688,000. Algonquin states that construction costs and working capital will be financed with bank financing equal to 49 percent and equity contributions equal to 51 percent of the total. Algonquin further states that upon completion of construction, the borrowed funds will be coverted into long-term debt. Algonquin admits that such proposed financing is subject to change.

The proposed service for certain shippers under the Open Seasons Settlement Projects will be rendered pursuant to the terms and conditions of proposed Rate Schedule AFT–2. Algonquin states that the AFT–2 rate is designed to recover the cost-of-service associated with the incremental facilities required to render the proposed service through a one-part Monthly Demand Charge assessed on the basis of the customer's Maximum Daily Transportation Quantity (MDTQ).

The proposed service for New England Power Company will be rendered pursuant to the terms and conditions of proposed Rate Schedule X–38. Algonquin states that the rates under proposed Rate Schedule X–38 will be derived using similar methodology as adopted for proposed Rate Schedule AFT–2. Quantities in excess of the MDTQ will be subject to an authorized overrun charge.

Comment date: April 4, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

24. United Gas Pipe Line Company

[Docket No. CP90–956–000]

March 14, 1990.

Take notice that on March 9, 1990, United Gas Pipe Line Company (United), P.O. Box 1478 Houston, Texas 77251-1478, filed in Docket No. CP89–956–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Texaco Gas Marketing, Inc. (TGMI), a marketer of natural gas, under its blanket authorization issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United would perform the proposed interruptible transportation service for TGMI, pursuant to an interruptible transportation service agreement dated June 15, 1988, as amended on January 19, 1990 (Contract No. TI–21–1673). The transportation agreement is effective for a primary term of one month from the date of first delivery or such date that the parties mutually agree to terminate the agreement. The agreement shall continue for successive one month terms until terminated. United proposes to transport 41,200 MMBtu of natural gas on a peak and average day; and on an annual basis 15,038,000 MMBtu of natural gas for TGMI. United proposes to receive the subject gas at existing points of interconnection located in the state of Texas. Points of delivery are located in the states of Louisiana, Mississippi and Texas. United avers that no new facilities are required to provide the proposed serv ce.

It is explained that the proposed service is currently being performed pursuant to the 120-day self-implementing provision of § 284.233(a)(1) of the Commission's Regulations. United commenced such self-implementing service on January 25, 1990, as reported in Docket No. ST90-1881-000.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

25. Trunkline Gas Company

[Docket No. CP90-954-000]

March 14, 1990.

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-954-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Brooklyn Interstate Natural Gas Corp. (Brooklyn Interstate), a shipper and marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86-586-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Trunkline states that pursuant to a Transportation Agreement (Agreement) dated April 3, 1989, between Trunkline and Brooklyn Interstate, it would transport up to 80,000 dekatherms (Dt.) per day equivalent of natural gas, on an interruptible basis, for Brooklyn Interstate. Trunkline indicates that the Agreement provides for Trunkline to receive the natural gas from various existing points of receipt in the states of Illinois, Louisiana, Tennessee and Texas, from the Panhandle Eastern Pipe Line Company receipt point at Douglas County, Illinois and from the areas of offshore Louisiana and offshore Texas. Trunkline would then transport and redeliver the natural gas, less fuel and unaccounted-for loss, to Southern Natural Gas Company in St. Mary Parish, Louisiana.

Trunkline states that the estimated daily and estimated annual quantities that would be transported would be 50,000 Dt. and 18,250,000 Dt., respectively.

Trunkline states that it commenced the transportation of natural gas for Brooklyn Interstate on February 1, 1990, as reported in Docket No. ST90-1938-000, for a 120-day period pursuant to § 284.223(a)].

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

26. Trunkline Gas Company

[Docket No. CP90-948-000]

March 14, 1990.

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-948-000, a request pursuant to § § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and 284.223 for authorization to transport natural gas for Amgas, Inc. (Amgas) a marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86-586-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Trunkline requests authority to transport up to 440 Dt. per day on an interruptible basis on behalf of Amgas pursuant to a transportation agreement dated August 8, 1989, between Trunkline and Amgas. It is stated that the transportation agreement provides for Trunkline to receive gas from various existing points of receipt in the states of Illinois, Louisiana, Tennessee, and Texas, from the Panhandle receipt at Douglas County, Illinois, and from the areas of offshore Louisiana and offshore Texas. Trunkline states that it would then transport and redeliver subject gas, less fuel and unaccounted for line loss, to Central Illinois Light Company in Douglas County, Illinois.

Trunkline further states that the estimated daily and estimated annual quantities would be 75 Dt. and 27,375 Dt., respectively. It is also stated that service under § 284.233(a) commenced on February 1, 1990, as reported in Docket No. ST90-1935-000.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

27. Panhandle Eastern Pipe Line Company

[Docket No. CP90-966-000]

March 15, 1990.

Take notice that on March 12, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77152-1642, filed in Docket No. CP90-966-000 an application pursuant to § § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Thompson Valley Gas, Inc. (Thompson), under Panhandle's blanket certificate issued in Docket No. CP86-586-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle proposes to transport, on an interruptible basis, up to 5,000 Dt. equivalent of natural gas per day for Thompson. Panhandle states that construction of facilities would not be required to provide the proposed service.

Panhandle further states that the maximum day, average day, and annual transportation volumes would be approximately 5,000 Dt. equivalent, 2,500 Dt. equivalent and 912,500 Dt. equivalent respectively.

Panhandle advises that service under Section 284.233(a) commenced February 1, 1990, as reported in Docket No. ST90-2015.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

28. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP90-970-000]

March 15, 1990.

Take notice that on March 12, 1990, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed a request with the Commission in Docket No. CP90-970-000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas on behalf of Gas Development Company (Gas Energy), a natural gas marketer, under its blanket certificate issued in Docket No. CP86-435-000 pursuant to section 7 of the NGA, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern proposes an interruptible natural gas transportation service of 150,000 MMBtu equivalent on peak days, 122,500 MMBtu equivalent on average days, and 54,750,000 MMBTU equivalent annually for Gas Energy. Northern states that it would receive gas at various Iowa, Kansas, North Dakota, Oklahoma, Texas, and Wisconsin receipt points and would deliver it at various Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, and Texas delivery points for Gas Energy's account. Northern states that it commenced transporting natural gas for Gas Energy's account on January 24, 1990, under the self-implementing authorization of § 284.223(a) of the Regulations, as reported in Docket No. ST90-1857.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

29. Glacier Gas Company

[Docket No. CP90-873-000]

March 15, 1990.

Take notice that on March 1, 1990, Glacier Gas Company (Glacier), 40 East Broadway, Butte, Montana 59701, filed in Docket No. CP90-873-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for direct sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Glacier is a natural gas company that transports natural gas in interstate commerce by authority of its certificate issued December 19, 1984, 29 FERC ¶ 61,309. It is further stated that under that certificate, Glacier was authorized to acquire from its parent, Montana Power Company (MPC), certain production and gathering facilities located in the area of Heart Mountain, Wyoming, and certain transportation facilities extending approximately 35 miles from the Heart Mountain, Wyoming, producing area to the Montana-Wyoming border. Glacier states that at the border, it delivers and sells its Heart Mountain gas to MPC's Electric Utility Division (Electric Division) which transports the gas from the border to its electric generating plants in Billings, Montana, through 58.21 miles of 8-inch pipeline. It is stated that the Glacier gas is used by the Electric Division as emergency and stand-by boiler fuel at the Frank Bird generating plant and for start-up and flame stabilization at the coal-fired J.E. Corette plant. It is also stated that Glacier sells gas only to the Electric Division of the MPC at the Montana-Wyoming border.

Glacier states that it requests authorization to transport third party production in addition to the existing Heart Mountain gas owned by Glacier, for direct sale by Glacier to Electric Division at the Wyoming-Montana border. Glacier states that it intends to purchase natural gas supply under contract with Levinson Partners Corp. (Levinson). Glacier states that deliveries associated with the Levinson contract will deliver up to 200 Mcf of natural gas per day to Glacier for use at the Billings, Montana steam generation plants. Glacier states that this would enlarge the authorization originally certificated in 1984 to permit transportation by Glacier of unaffiliated Wyoming production for direct sale to Electric Division. It is stated that the continued availability of Heart Mountain gas to MPC's electric generating stations in Billings, Montana, is important to the provision of reliable electric service at reasonable rates.

It is stated that the Heart Mountain gas system has proven, over the years, to be an effective means of securing and delivering gas for the electric plants. It is stated that the natural gas from unaffiliated suppliers will supplement deliveries from the Heart Mountain field which is in decline. It is stated that the Billings steam plants will continue to be the sole use for the gas delivered from the Levinson contract and any future unaffiliated supply purchased by Glacier.

Comment date: April 5, 1990 in accordance with Standard Paragraph F at the end of the notice.

30. Columbia Gulf Transmission Company

[Docket No. CP90-969-000]

March 15, 1990.

Take notice that on March 12, 1990, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama, Houston, Texas 77027, filed in Docket No. CP90-969-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport, on an interruptible basis, on behalf of Graham Energy Marketing Corporation (Graham Energy), a marketer of natural gas, under Columbia Gulf's blanket certificate issued in Docket No. CP86-239-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia Gulf, pursuant to two agreements each dated November 15, 1989, as amended, proposes to transport natural gas for Graham Energy on an interruptible basis from points onshore and offshore Louisiana, and proposes to redeliver the gas for Graham Energy at points onshore Louisiana. It is stated that the volume anticipated to be transported on a peak day is a maximum of 200,000 MMBtu, on an average day approximately 60,000 MMBtu, and approximately 21,900,000 MMBtu on an annual basis.

Columbia Gulf states that this service commenced on January 28, 1990, as reported in Docket No. ST90-2063-000, pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

31. Trunkline Gas Company

[Docket No. CP90-952-000]

March 15, 1990.

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-952-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for American Central Gas Marketing Company (American Central) under the blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline states that it proposes to transport up to 150,000 dt per day, on an interruptible basis, on behalf of American Central pursuant to a Transportation Agreement dated September 14, 1988, between Trunkline and American Central (Transportation Agreement). The Transportation Agreement provides for Trunkline to receive gas from various existing points of receipt in Illinois, Louisiana, Tennessee, and Texas from the Panhandle receipt at Douglas County, Illinois, and from the areas of offshore Louisiana and offshore Texas. Trunkline will then transport and redeliver subject gas, less fuel and unaccounted for line loss, to Texas Gas in Dyer County, Tennessee.

Trunkline also states that the estimated daily and annual quantities would be 20,000 dt and 7,300,000 dt, respectively.

Trunkline further states that it commenced this service on February 1, 1990, as reported in Docket No. ST90-1933-000.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

32. Trunkline Gas Company

[Docket No. CP90-951-000]

March 15, 1990.

Take notice that on March 9, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-487-000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas for Unicorp Energy, Inc. (Unicorp), a shipper of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the

Commission and open to public inspection.

Trunkline proposes to transport, on an interruptible basis, up to 100,000 dt equivalent of natural gas on a peak day for Unicorp, 15,000 dt equivalent on an average day, and 5,475,000 dt equivalent on an annual basis. It is asserted that the transportation service would be effected using existing facilities and that no construction of additional facilities would be required. It is explained that the transportation service commenced February 1, 1990, under the self-implementing authorization of section 284.223 of the Commission's Regulations, as reported in Docket No. ST90-1942.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

33. Mississippi River Transmission Corporation

[Docket No. CP90-930-000]

March 15, 1990.

Take notice that on March 7, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP90-930-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP89-1121-000 pursuant to section 7 of the Natural Gas Act for Golden Gas Energies, Inc. (Golden Gas), all as more fully set forth in the request on file with the Commission and open to public inspection.

MRT proposes to transport natural gas for Golden Gas, a shipper, on an interruptible basis. MRT explains that service commenced January 6, 1990, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90-1666-000. MRT further explains that the peak day quantity would be 30,000 MMBtu, the average day quantity would be 30,000 MMBtu and that the annual quantity would be 10,950,000 MMBtu.

Comment date: April 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-6501 Filed 3-21-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-8-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

March 15, 1990.

Take notice that on March 2, 1990, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission Thirty-Fifth Revised Sheet No. 7 in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates for effectiveness on April 1, 1990.

According to Granite State, its filing is its regular quarterly purchased gas cost adjustment based on projected gas costs and purchase volumes for the second quarter of 1990. Granite State further states that it has projected substantially reduced gas costs for the second quarter to reflect the seasonally adjusted purchase cost for purchases of Canadian gas from Boundary Gas, Inc. and to reflect purchases of lower cost spot market gas because of the availability of transportation capacity on the pipeline system of Tennessee Gas Pipeline Company.

It is stated that the proposed rate changes are applicable to Granite State's wholesale sales to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 22, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-6497 Filed 3-21-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-196-003]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

March 15, 1990.

Take notice that on March 8, 1990, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets, to be a part of its FERC Gas Tariff, Original Volume No. 1-A.

Seventh Revised Sheet No. 419
Third Revised Sheet No. 420
Second Revised Sheet No. 420-A
Fourth Revised Sheet No. 421

The above tariff sheets were revised to change certain references from "Shipper" to "Receiving Party," as permitted by Commission order dated February 21, 1990 "Order Granting Rehearing and Denying Request for Clarification or Rehearing" in this docket, to enhance Northwest's ability to track possible imbalance penalties and overruns with the owner of delivery point facilities. Northwest has requested an effective date of March 1, 1990 for the tendered sheets.

A copy of this filing is being served on all parties of record in this docket number.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before March 22, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 90-6498 Filed 3-21-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MT90-2-001]

Ohio River Pipeline Corp.; Compliance Filing Pursuant to Order No. 497-A

March 15, 1990.

Take notice that on March 12, 1990, Ohio River Pipeline Corporation, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 of the Commission's regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 1
First Revised Sheet No. 48
Second Revised Sheet No. 49
Original Sheet No. 50
Original Sheet No. 91
Original Sheet No. 92
Original Sheet No. 93
Original Sheet No. 94
Original Sheet No. 95
Original Sheet No. 96
Original Sheet No. 97
Original Sheet No. 98
Original Sheet No. 99
Original Sheet No. 102
Original Sheet No. 103
Original Sheet No. 104

Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211. All such motions or protests must be filed by April 2, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestents parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-6499 Filed 3-21-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 90-04-NG]

Rochester Gas and Electric Co; Application To Export Natural Gas to and Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for authorization to export natural gas to and import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on January 22, 1990, of an application by Rochester Gas and Electric Company (RG&E) for authorization to export to Canada at St. Clair, Michigan, up to 185 MMcf per day of natural gas plus some additional volumes required to be supplied by the applicant as fuel gas, and to import from Canada at Grand Island, New York up to 185 MMcf per day of natural gas over a 15-year term. RG&E states that the gas would be purchased on the U.S. spot market or under long-term contracts and transported to the international border using existing facilities of ANR Pipeline Company (ANR) and Great Lakes Gas Transmission Company (Great Lakes). The gas would be transported in Canada on TransCanada PipeLines Limited (TransCanada) and Union Gas Limited facilities. After reentry into the U.S. at Grand Island, New York the gas would be transported to a point of interconnection with the gas distribution facilities of RG&E near Rochester, New York via a proposed 155-mile, 24-inch gas pipeline extending from the international border to a point near Syracuse, New York. The export/import proposal would be a means of supplying gas for RG&E's system supply and would not result in a net export or net import of gas except for a small amount supplied to TransCanada as fuel gas for transportation of the exported volumes in Canada.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., April 23, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, FE-50, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Office of Fuel Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9482.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: RG&E is a natural gas and electric public utility serving approximately 260,000 natural gas customers in and around Rochester, New York. RG&E requests authorization to export natural gas from the U.S. and to import the same gas into the U.S. as part of a transportation arrangement to provide additional sources of gas for its system supply. RG&E is now dependent upon CNG Transmission Corporation for most of its system supply gas requirements and for all of its transportation. The applicant states that

there would be no net export or net import of gas except for the volumes it is required to furnish to TransCanada as fuel gas for transportation of the gas in Canada. The applicant indicates that there would be no sale or storage of the gas in Canada.

RG&E asserts that initially most of the gas would be purchased on the U.S. spot market but that eventually some or all of the gas may be purchased under long-term contracts. Transportation and storage of the gas proposed as part of the arrangements made to move the gas for export at St. Clair, Michigan, would utilize existing facilities of ANR and Great Lakes. Transportation of the gas to RG&E after it reenters the U.S. at Grand Island, New York, would be via a proposed 155-mile, 24-inch pipeline to be constructed jointly by Empire State Pipeline Company, Inc., and St. Clair Pipeline Company, Inc.

In support of the application, the applicant asserts that the gas is needed to supply RG&E customers with natural gas that is competitive with other fuels and that the transportation arrangements utilizing Canadian pipeline facilities would further the goal of providing additional volumes of natural gas to the U.S. Northeast.

Since, according to the application, the same gas would be exported and imported solely as part of a transportation arrangement, and would not be sold or stored, in Canada, the DOE does not believe that it is necessary to consider in its evaluation domestic need for the gas with respect to the proposed export, nor competitiveness, need for the gas, or security of supply with respect to the proposed import. The DOE will consider the impact of the transportation arrangement on the availability of gas in markets served by Great Lakes' and ANR's pipeline systems, and by the proposed Empire State Pipeline.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. The Federal Energy Regulatory Commission (FERC) is currently performing an environmental review of the impacts of constructing and operating the proposed facilities related to this project in FERC Docket Nos. CP90–316–000 and CP90–317–000. The DOE will independently review the results of the FERC environmental evaluation of this project in the course of making its own environmental determination. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments, should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of RG&E's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., on March 16, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–6575 Filed 3–21–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 89–75–NG]

Transco Energy Marketing Co.; Application To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application on October 30, 1989, as supplemented on January 17, 1990, filed by Transco Energy Marketing Company (TEMCO) for authorization to import from CanStates Gas Marketing (CanStates) up to 48,400 Mcf per day of Canadian natural gas over a 15-year period for sale to Hopewell Cogeneration Limited Partnership (Hopewell). In addition, TEMCO requested blanket authorization to import up to the full 48,400 Mcf per day on a best efforts basis to the extent such volumes are not taken by Hopewell.

The requested volumes would be imported at the Niagara import point of Tennessee Gas Pipe Line Company (Tennessee) near Niagara Falls, New York, and transported in the United States by various domestic pipelines. The Federal Energy Regulatory Commission (FERC) is currently considering requests to construct the facilities necessary for TEMCO to deliver the proposed imports to Hopewell. TEMCO requested that the FE issue an interim authorization approving the proposed imports utilizing existing facilities.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable,

requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., April 23, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Lot Cooke, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8116.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: TEMCO, a Delaware corporation with its principal place of business in Houston, Texas, is a wholly owned subsidiary of Transco Energy Service Corporation which, in turn, is a wholly owned subsidiary of Transco Energy Company. Since commencing operation in May 1985, TEMCO has been actively engaged in the business of selling and purchasing natural gas in the long-term and spot natural gas market.

TEMCO would purchase the requested volumes pursuant to the terms of the long term gas sales contract between TEMCO and CanStates (CanStates contract) and would sell the gas to Hopewell pursuant to the terms of the gas sales agreement between TEMCO and Hopewell (Hopewell agreement). The CanStates contract would run for a term of 15 years from the commercial operation date of the Hopewell cogeneration plant or until July 31, 2005, whichever occurs earlier. Pursuant to the contract, TEMCO would purchase gas on the basis of a two-part pricing structure consisting of a monthly transportation charge and a monthly commodity charge. The transportation charge would consist of the Canadian transportation charges incurred by CanStates for firm transportation of the TEMCO volumes in Canada. The commodity charge would be based on TEMCO's weighted average sales price for gas, which would be adjusted to reflect the transportation cost differential between the costs incurred to deliver gas from Alberta, Canada, to East Coast markets and the costs of delivering Gulf Coast gas to such markets. The border price under the CanStates contract for March 1990 would be $2.406 at 100 percent demand. The demand component would be $.99 and the commodity component would be $1.416. Subject to the terms of the CanStates contract, TEMCO would purchase a minimum annual volume equal to 70 percent of the contract demand.

Hopewell, a joint venture between TEVCO Power Company, CRSS Capital, Inc., and Mission Energy Company, will own and operate the Hopewell Cogeneration Project plant, currently under construction in Hopewell, Virginia. The plant is a 356.5-megawatt combined cycle facility that will supply steam to Aqualon Company and sell electricity to Virginia Electric and Power Company (Virginia Power).

Pursuant to the terms of the Hopewell agreement, TEMCO has agreed to sell and Hopewell has agreed to buy all of Hopewell's natural gas requirements up to 80,000 dekatherms (Dt) per day on a firm basis for a term that runs until 15 years from the earlier of (1) August 1, 1990, or, (2) the commercial operation date of the Hopewell cogeneration plant. The 31,600 Dt per day difference between the import request and TEMCO's supply obligation to Hopewell will be met with U.S. Gulf Coast natural gas supplies.

The price of the gas to be purchased by Hopewell would be based upon an October 1986 benchmark price of $2.70 per MMBtu (base price) and would be adjusted each month (adjusted energy purchase price) to equal the lesser of (1) the adjusted gas purchase price, or (2) the adjusted oil purchase price, which are calculated as follows:

$$\text{Adjusted Gas Purchase Price} = \$2.70 \times \frac{\text{Reference Gas Index}}{\text{Base Gas Index}}$$

$$\text{Adjusted Oil Purchase Price} = \$2.70 \times \frac{\text{Reference Oil Index}}{\text{Base Oil Index}}$$

The reference gas index is equal to the average of (1) the national average price paid by major interstate pipelines to producers, and (2) the national energy average gas price paid by electric utilities. The base gas index is $2.165 and is equal to the reference gas index as of October 1986. The reference oil index is the average cost of No. 2 fuel oil delivered to the Chesterfield Power Station of Virginia Power for the proceeding month, while the base oil index is $2.687 and is equal to the price Virginia Power would have paid for No. 2 fuel oil delivered to the Chesterfield Power Station on September 29, 1986.

The base price of $2.70 MMBtu or any of the adjustment indices of the Hopewell agreement may be redetermined after three years and biannually thereafter. Also, after the first three years, there are various other price redetermination triggering devices.

Although TEMCO is required to deliver and Hopewell is required to take all of its gas requirements for the cogeneration facility up to 80,000 Dt per day from TEMCO, there is no take-or-pay or minimum take provision. Also, in the event TEMCO is unable to deliver Hopewell's requested volumes on any day, and TEMCO's inability is not excused under the terms of the contract, TEMCO must compensate Hopewell for the difference between Hopewell's actual purchase price and the contract price, plus $.004 per MMBtu.

The proposed volumes would be imported at the interconnection between the facilities of Tennessee and TransCanada Pipelines Limited at the international border near Niagara Falls, New York, and redelivered by Tennessee to National Fuel Gas Supply Corporation (National Fuel) at Marilla, New York. From Marilla, National Fuel would transport and deliver the gas to Transcontinental Gas Pipe Line Corporation (Transco) at the proposed interconnection between National Fuel and Transco at the Leidy storage field in Clinton County, Pennsylvania. On October 13, 1989, the FERC issued a Notice of Intent to Prepare a Draft Environmental Impact Statement for the Proposed *Niagara Import Point Project* (FERC Docket Nos. CP88–171–001 *et al.*). The Niagara Import Point Project includes all the facilities necessary to transport the proposed TEMCO/CanStates imports to Leidy as discussed above.

Transco would transport the proposed imports to Commonwealth Gas Pipeline Corporation (Commonwealth) at

Emporia, Virginia, which would deliver the gas to Commonwealth Gas Service for redelivery to Hopewell. In connection with the Virginia transportation arrangements, Transco has requested authorization from the FERC to expand its Virginia Lateral in order to transport the gas from its mainline facilities to Commonwealth (FERC Docket No. CP89–2205–000). Also, on October 13, 1989, Commonwealth requesting authorization to construct facilities and provide firm transportation services for the TEMCO/CanStates volumes (Case No. PUE890072).

The decision on this application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Other matters to be considered in making a public interest determination in a long-term import proposal such as this include the need for the gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. The applicant asserts that this import arrangement is in the public interest because the volumes are needed by the proposed new cogeneration facility, the price of the gas is competitive, and its Canadian supplier is reliable. Parties opposing the import arrangement bear the burden of overcoming these assertions.

All parties should be aware that if the requested import is approved, the authorization would be conditioned on the filing of quarterly reports indicating volumes imported and the purchase price.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. The FERC is currently performing an environmental review of the impacts of constructing and operating proposed facilities related to this project. The DOE will independently review the results of the FERC environmental evaluation of this project in the course of making its own environmental determination. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments, should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of TEMCO's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in washington, DC, on March 11, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–6576 Filed 3–19–90; 8:45 am]

BILLING CODE 6450–01–M

Southeastern Power Administration

Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of public information and comment forum and opportunity for review and comment.

SUMMARY: Southeastern published a proposal to revise existing schedules of rates and charges applicable to the sale of power from the Georgia-Alabama System of Projects effective for a three-year period, October 1, 1990, through September 30, 1993, for those customers whose contracts allow for rate adjustments on October 1 of any year in 55 FR 8981 (March 9, 1990).

Southeastern decided to have an additional public information and comment forum. Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a forum and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: A public information and comment forum will be held in East Point, Georgia, on April 12, 1990. Also a public information and comment forum will be held in Columbia, South Carolina, on April 19, 1990. Persons desiring to speak at either forum should notify Southeastern at least 3 days before the forum is scheduled, so that a list of forum participants can be prepared. Others may speak if time permits.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forums for the Georgia-Alabama System of Projects will begin

at 10 a.m. on April 12, 1990, in the Jasmine Room at the Ramada Renaissance Hotel, at the Atlanta Airport, 4736 Best Road, College Park, Georgia 30337, and at 10:00 a.m., on April 19, 1990, in Room 871 of the Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Director, Power Marketing Division, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635, (404) 283-9911.

Issued at Elberton, Georgia, March 9, 1990.

John A. McAllister, Jr.,

Administrator.

[FR Doc. 90-6633 Filed 3-20-90; 10:26 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3747-7]

Water Pollution Control; Final Determination of Assistant Administrator for Water Pursuant to Section 404(c) of Clean Water Act Concerning Proposed Big River Water Supply Impoundment in Kent County, RI

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decision to prohibit the designation of waters of the United States on Big River, Mishnock River and their tributaries and adjacent wetlands in Kent County, Rhode Island, as discharge sites for the placement of fill material.

SUMMARY: This is notice of EPA's Final Determination pursuant to section 404(c) of the Clean Water Act to prohibit the designation of waters of the United States in Kent County, Rhode Island. EPA's determination is based upon a finding that the placement of fill material associated with implementation of the proposed Big River water supply as proposed by the State of Rhode Island and the Corps of Engineers would result in an unacceptable adverse effect to wildlife and recreational areas.

EFFECTIVE DATE: The effective date of the Final Determination is March 1, 1990.

FOR FURTHER INFORMATION CONTACT: Charles K. Stark, Office of Wetlands Protection, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-7799.

Copies of EPA's Final Determination are available for inspection in the EPA Headquarters Public Information Reference Unit, EPA Library, Room M2904, 401 M Street, SW., Washington, DC and the EPA Region I, Wetlands Protection Section (WPP-19100), John F. Kennedy Federal Building, Boston, MA. 02203.

Section 404(c) of the Clean Water Act (33 U.S.C. § 1251 *et seq.*) provides that, if the Administrator of the U.S. Environmental Protection Agency (EPA) determines, after notice and opportunity for public comment, that unacceptable adverse effects on municipal water supplies, shellfish beds, fishery areas (including spawning and breeding areas), wildlife, or recreational areas would result from the discharge of dredged or fill material, he may exercise his authority to withdraw or prohibit the specification, or deny, restrict or withdraw the use for specification, of any defined area as a disposal site for dredged or fill material. Before making such a determination, the Administrator must consult with the Chief of the Army Corps of Engineers (Corps), the property owner(s), and the applicant where there has been an application for a section 404 permit. The procedures for implementation of section 404(c) are set forth in the Code of Federal Regulations, 40 CFR 231.

EPA's regulations for implementing section 404(c) establish three major steps in the process are: (1) The Regional Administrator's proposed decision to withdraw, deny, restrict of prohibit the use of a site (Proposed Determination); (2) the Regional Administrator's recommendation to the Administrator to withdraw, deny, restrict or prohibit the use of a site (Recommended Determination); and (3) the Administrator's final decision to affirm, modify, or rescind the Regional recommendation (Final Determination). The Administrator has delegated the authority to make final decisions under section 404(c) to the Assistant Administrator for Water, who is EPA's national Clean Water Act section 404 program manager.

EPA's Final Determination concerns the proposed placement of dredged or fill material for the purpose of creating a water supply impoundment on Big River, Mishnock River and their tributaries and adjacent wetlands in Kent County, Rhode Island.

EPA Region I's Acting Regional Administrator recommended prohibition of specification of the disposal site necessary for construction of a dam in the subject waters. Region I's Acting Regional Administrator based the recommendations upon his finding that the discharge of materials in connection with the above described activities would have an unacceptable adverse effect on wildlife and recreational areas.

The Final Determination is based on consideration of the record developed by EPA and by the Corps in this case, including public comment submitted in response to the Regional Proposed Determination and comment received at the public hearing. This Final Determination also reflects comment and information received during EPA Headquarters' consultation pursuant to § 231.6 of the Clean Water Act section 404(c) regulations.

As described in the Final Determination, it is the finding of EPA that the Big River project, as proposed by the State of Rhode Island and the Corps of Engineers, would result in the loss of an area that provides important wildlife habitat and recreational opportunity. Further, EPA has determined that these impacts are avoidable because there are practicable alternatives available to meet projected water supply needs. These findings lead to the conclusion that the discharge of dredged or fill material in connection with the proposed Big River Reservoir would result in unacceptable adverse effects to wildlife and recreational areas. This Final Determination therefore affirms the Regional Recommended Determination and prohibits the designation of the subject waters of the United States as discharge sites for dredged or fill material. This Final Determination does not pertain to other types of filling activities. Other proposals involving the discharge of dredged or fill material on the wetland sites at issue will be evaluated on their merits within the Corps of Engineers' section 404 regulatory program.

Date: March 15, 1990.

Robert H. Wayland III,

Acting Assistant Administrator for Water.

[FR Doc. 90-6593 Filed 3-21-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork

Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified below.

Type of Review: Extension of expiration date without any change in substance or method of collection.

Title: Uniform Application/Uniform Termination Notice for Municipal Securities Principal or Representative.

Form Number: MSD–4/MSD–5.

OMB Number: 3064–0022.

Expiration Date of Current OMB Clearance: May 31, 1990.

Frequency of Response: On occasion.

Respondents: Insured State nonmember banks.

Number of Respondents: 212.

Number of Responses Per Respondent: 1.

Total Annual Responses: 212.

Average Number of Hours Per Response: 1.

Total Annual Burden Hours: 212.

OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before May 21, 1990.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: An insured State nonmember bank which serves as a municipal securities dealer must file Form MSD–4 or Form MSD–5, as applicable, to permit an employee to become associated or to terminate the association with the municipal securities dealer. FDIC regulation 12 CFR 343 contains filing requirements which are based on rules promulgated by the Municipal Securities Rulemaking Board under the authority of the 1975 Amendments to the Securities Exchange Act of 1934 (15 U.S.C. 78). It is estimated that the filing requirements create an annual reporting burden of 212 hours on the respondents collectively.

Federal Deposit Insurance Corporation.

Dated: March 19, 1990.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 90–6561 Filed 3–21–90; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Automated Tariff Filing and Information System (ATFI); File Transfer Format and Code Reference Tables; Availability

The Federal Maritime Commission has available for the public the file transfer format and code reference tables, for use in the Automated Tariff Filing and Information System ("ATFI").

The file transfer format will provide instructions for the conversion of tariff information from existing media, and other automated information systems, to compatibility with the ATFI automated database. This format allows for the tape submission of electronic tariff data in flat files from any filing entity.

Tariff data received in this format will enable the ATFI conversion software to load ATFI conforming data into the ATFI database. The formats and tables will be helpful to tariff filers planning on establishing an early interface with ATFI, in either bulk tape submission or a file transfer via a telecommunications link.

The ATFI file transfer formats and code reference tables (29 pages) may be obtained by writing the Secretary, Federal Maritime Commission, Washington, DC 20573.

For further information contact: John Robert Ewers or James A. Warner (202) 523–5866.

Dated: March 16, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–6465 Filed 3–21–90; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR part 540):

Maritz Inc. and Maritz Travel Company
1375 North Highway Drive
Fenton, St. Louis Co., MO 63099–0800
Vessel: FANTASY

Dated: March 16, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–6466 Filed 3–21–90; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Draft Revision of Requirements for Content of HIV/AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions, in Centers for Disease Control Assistance Programs

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Request for Comments.

SUMMARY: Since 1985, the Center for Disease Control (CDC), as part of the terms and conditions for the receipt of CDC funds for human immunodeficiency virus (HIV) prevention programs, has required that all educational and related program materials and activities must be reviewed by a Program Review Panel of the recipient. A guidance document for this review, entitled "Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control Assistance Programs," was last revised in October 1988 and published on March 9, 1989. The October 1988 revision of the guidance document referred to provisions in the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989 (Pub. L. No. 100–436, 102 Stat. 1692 (1988)), signed by the President on September 20, 1988, concerning the contents of educational materials. Language identical to the 1989 provision was included in the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990 (Pub. L. No. 101–166, Sec. 220, 103 Stat. 1178 (1989)).

CDC is soliciting public comment on proposed changes in these terms and conditions, which are set forth below:

1. Section 1(b) of the current Basic Principles concerning offensiveness of the materials will be changed to provide that recipients of CDC funds and Program Review Panels should not use terms, descriptors, or displays which "will be offensive to a majority of the

intended audience or to a majority of persons outside the intended audience";

2. Section 1(c) of the current Basic Principles concerning use of language and terms "* * * to be understood by a broad cross-section of educated adults in society but which a reasonable person would not judge to be offensive to such people * * *" will be deleted from the proposed terms and conditions.

3. Section 2 concerning the establishment of a Program Review Panel will be expanded to provide additional guidance to recipients and to indicate that CDC-developed materials and the *Surgeon General's Report on Acquired Immune Deficiency Syndrome* are not required to be approved by a Program Review Panel; and

4. Section 2(d) will be added to permit CDC-funded organizations that create or distribute materials in a national or regional (multistate) program to establish a single Program Review Panel to fulfill this requirement.

DATE AND ADDRESS: Persons interested in the proposed changes to these terms and conditions may furnish written comments. These comments must be filed with the Office of the Director, Center for Prevention Services, Centers for Disease Control, Mailstop E07, Atlanta, Georgia 30333. All comments must be received in that office on or before April 30, 1990.

FOR FURTHER INFORMATION CONTACT: Gary West for Prevention Services, Centers for Disease Control, (404) 639-1480.

SUPPLEMENTARY INFORMATION:

The Proposed Revised Requirements

Content of HIV/AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control Assistance Programs, May 1990.

Controlling the spread of HIV infection and AIDS requires the promotion of individual behaviors that eliminate or reduce the risk of acquiring and spreading the virus. Messages must be provided to the public that emphasize the ways by which individuals can fully protect themselves from acquiring the virus. These methods include abstinence from the illegal use of IV drugs and from sexual intercourse except in a mutually monogamous relationship. For those individuals who do not or cannot cease risky behavior, methods of reducing their risk of acquiring or spreading the virus must also be communicated. Such messages can be controversial. This document is intended to provide guidance for the development and use of educational materials, and to require the establishment of Program Review Panels to consider the appropriations of messages designed to communicate with various groups.

1. Basic Principles

a. Language used in written materials (e.g., pamphlets, brochures, fliers), audiovisual materials (e.g., motion pictures and video tapes), and pictorials (e.g., posters and similar educational materials using photographs, slides, drawings, or paintings) to describe dangerous behaviors and explain less risky practices concerning HIV transmission should use terms, descriptors, or displays necessary for the intended audience to understand the messages.

b. Written materials, audiovisual materials, and pictorials should not include terms, descriptors, or displays which will be offensive to a majority of the intended audience or to a majority of persons outside the intended audience.

c. Educational sessions should not include activities in which attendees participate in sexually suggestive physical contact or actual sexual practices.

d. Messages provided to young people in schools and in other settings should be guided by the principles contained in "Guidelines for Effective School Health Education to Prevent the Spread of AIDS" (MMWR 1988;37 [suppl. no. S-2].

e. HIV/AIDS education programs and education curricula funded by CDC from 1990 appropriations must be consistent with language contained in the Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1990 (P.L. No. 101-166, Sec. 220, 103 Stat. 1178 (1989)). This language is as follows:

"Notwithstanding any other provision of this Act, AIDS education programs funded by the Centers for Disease Control and other education curricula funded under this Act dealing with sexual activity—(1) shall not be designed to promote or encourage, directly, intravenous drug abuse or sexual activity, homosexual or heterosexual, and (2) in addition, with regard to AIDS education programs and curricula—(A) shall be designed to reduce exposure to and transmission of the etiologic agent for acquired immune deficiency syndrome by providing accurate information, and (B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse."

The *Surgeon General's Report on Acquired Immune Deficiency Syndrome* (October 1986) contains messages which are consistent with the provisions of this legislation. (Public Law No. 101-166, Sec. 220, 103 Stat. 1178 (1989)).

2. Program Review Panel

a. Each recipient will be required to establish a Program Review Panel to review and approve all written materials, pictorials, audiovisuals, questionnaires or survey instruments, and proposed educational group session activities to be used under the project plan. This requirement applies regardless of whether the applicant plans to conduct the total program activities or plans to have part of them conducted through other organization(s) and whether program activities involve creating unique materials or using/distributing modified or intact materials already developed by others. The *Surgeon General's Report on Acquired Immune Deficiency Syndrome* (October 1986) and CDC-developed materials do not need to be reviewed by the panel unless such review is deemed appropriate by the recipient. Members of a progream review panel should:

(1) Understand how HIV is and is not transmitted; and

(2) Understand the epidemiology and extent of the HIV/AIDS problem in the local population and the specific audiences for which materials are intended.

b. The Program Review Panel will be guided by the CDC Basic Principles (in the previous section) in conducting such reviews. The panel is authorized to review materials only and is not empowered either to evaluate the proposal as a whole or to replace any other internal review panel or procedure of the recipient organization or local governmental jurisdiction.

c. Applicants for CDC assistance will be required to include in the applications the following:

(1) Identification of a panel of no less than five persons which represent a reasonable cross-section of the general population and which is not drawn predominately from the intended audience (unless the intended audience is the general population). In addition:

(a) Panels which review materials intended for a specific audience should draw upon the expertise of individuals who can represent cultural sensitivities and languages of the intended audience, either through representation on the panels or as consultants to the panels.

(b) Panels which review materials for use with school age populations should include representatives of such groups as teachers, school administrators, parents, and students;

(2) A letter or memorandum from the proposed project director, countersigned

by a responsible business official, which includes:

(a) Concurrence with this guidance and assurance that its provisions will be observed;

(b) The identity of proposed members of the Program Review Panel, including their names, occupations, and any organizational affiliations that were considered in their selection for the panel;

d. CDC-funded organizations that undertake program plans which are national or regional (multistate) in scope, or that plan to distribute materials as described above to other organziations on a national or regional basis, may establish a single Program Review Panel to fulfill this requirement. The Program Review Panel will also be guided by the CDC Basic Principles; however, such national/regional organization reviews should adopt a national/regional standard when applying Basic Principles 1(a) and 1(b) to the respective concepts of "intended audience" and "majority of persons outside the intended audience."

e. When a cooperative agreement/grant is awarded, the recipient will:

(1) Convene the Program Review Panel and present for its assessment copies of written materials, pictorials, and audiovisuals proposed to be used;

(2) Provide for assessment by the Program Review Panel text, scripts, or detailed descriptions of written materials, pictorials, or audiovisuals which are under development;

(3) Prior to expenditure of funds related to the ultimate program use of these materials, assure that its project files contain a statement(s) signed by the Program Review Panel specifying the vote for approval or disapproval for each proposed item submitted to the panel;

(4) Provide to CDC in regular progress reports signed statement(s) of the chairperson of the Program Review Panel specifying the vote for approval or disapproval for each proposed item that is subject to this guidance.

Dated: March 16, 1990.

Glenda S. Cowart,

Director, Office of Program Support Centers for Disease Control.

[FR Doc. 90-6521 Filed 3-21-90; 8:45 am]

BILLING CODE 4160-18-M

[Announcement 020]

Grants for Health Promotion and Disease Prevention Centers

Introduction

The Centers for Disease Control (CDC) announces the availability of grant funds in Fiscal Year 1990 for Centers for Research and Demonstration of Health Promotion and Disease Prevention.

Authority

This program is authorized under the Public Health Act, sections 301(a) (42 U.S.C. 241(a)), as amended, and 1706 (42 U.S.C. 300u-5).

Eligible Applicants

Eligible applicants are schools of medicine, schools of osteopathy, and schools of public health. Eligible applicants may enter into contracts, including consortia agreements (as described in the PHS Grants Policy Statement), as necessary to meet the essential requirements of this program and to strengthen the overall application.

Availability of Funds

Approximately $3.4 million is available in Fiscal Year 1990 to fund up to 8 awards. It is expected that the awards will range from $250,000 to $600,000 and the average award will be $425,000. Some funds will be allocated for an International Prevention Center. Funding estimates may vary and are subject to change. It is expected that awards will begin on or about September 15, 1990.

Awards are usually made for 12-month budget periods within a project period of up to 3 years. Continuation awards within the project period are made on the basis of satisfactory progress and the availability of funds.

Purpose

To fund health promotion and disease prevention research focusing on preventing the major causes of death and disability and promoting health that leads to the implementation of more effective programs at the State and local levels.

The specific objectives of the Prevention Center Program are: 1. To assess the current status of disease prevention and health promotion programs and services offered by national, State, local, and territorial health agencies; public and private health care providers; voluntary agencies; and other community or lay organizations.

2. To identify areas where research is needed to better define the efficacy and utility of specific disease prevention and health promotion programs and services.

3. To initiate research designed to improve understanding of the scientific basis of disease prevention and health promotion programs and services.

4. To establish demonstration projects for the delivery of disease prevention and health promotion programs and services to defined population groups in collaboration with the providers of these programs and services.

5. To develop improved evaluation methodologies for assessing the efficacy of disease prevention and health promotion programs and services and the cost-effectiveness of applying those programs and services to broad-based constituencies.

6. To foster the development of a collaborative relationship between the Prevention Centers and staff at CDC and State and local health departments.

Program Requirements

A. Essential Requirements

Each Prevention Center shall:

1. Be located in an academic health center with—

a. A multidisciplinary faculty with expertise in disease prevention and health promotion and working relationships with relevant groups in such fields as public health, medicine, psychology, nursing, social work, education and business;

b. Graduate training programs relevant to disease prevention;

c. A core faculty in epidemiology, biostatistics, social sciences, behavioral and environmental health sciences, and health administration;

d. A demonstrated curriculum in disease prevention;

e. A capability for graduate training in public health or residency training in preventive medicine; and

f. Such other qualifications as the Secretary may prescribe;

2. Conduct—

a. Health promotion and disease prevention research, including retrospective studies and longitudinal prospective studies in population groups and communities;

b. Demonstration projects for the delivery of services relating to health promotion and disease prevention to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

c. Evaluation studies on the efficacy of demonstration projects conducted under subparagraph (b) of this paragraph.

B. Other Characteristics

A number of other characteristics, which are not specified by law, are desirable and will also be used in the evaluation of applications:

1. The availability of highly qualified professional staff to perform proposed activities with relevant experience in such fields as health promotion, risk factor modification, nutrition and physical activity, maternal and child health, and chronic diseases such as cardiovascular diseases and cancer, minority or rural health and other areas related to the theme chosen by the Prevention Center.

2. Effective mechanisms to involve staff at CDC in the health promotion and disease prevention research at the Center in order to foster collaboration and ensure that research findings are widely used to improve public health practice.

3. Effective working relationships with State and local health departments and other organizations (e.g., care providers, professional associations, voluntary organizations) whose active support and participation are essential to successful implementation of proposed activities, and in the case of the International Center with international organizations.

4. The designation of a Director who has well-defined authorities and responsibilities and who will devote sufficient time to accomplish the Prevention Center's objectives.

5. A continuing base of peer-reviewed projects or activities funded from other sources and relevant to the goals of the Prevention Center and its principal focus.

6. Demonstrated experience in successfully conducting and evaluating research, demonstration, and/or special projects relating to health promotion, disease prevention, and the delivery of health services.

7. Commitment of the parent institution to the Prevention Center, so that the Center will be recognized as a major element within the organizational structure. This commitment should be manifested by various combinations of personnel, facilities, and activities funded from other sources.

8. Facilities and organizational arrangements that promote and foster collaboration among the staff and components of the Prevention Center.

9. A history of successful intramural cooperation among a variety of disciplines, as appropirate. This cooperation should have involved staff who will be part of the Prevention Center.

10. Effective mechanisms for linking Prevention Center activities with researchers and practitioners in disease prevention, health promotion and health services research, and agencies, organizations, and individuals engaged in offering programs and delivering services in those areas.

11. Relevant data and experience for rigorously evaluating the efficacy and cost benefits of demonstrations and other Center activities requiring rigorous evaluation.

12. Plans for establishing an advisory committee or other suitable mechanisms for obtaining input from a variety of perspectives (including scientists, health care providers, health services administrators, health officials, voluntary health organizations, and consumers) on the major aspects of the Prevention Center Program.

13. Plans to become self-sustaining.

Evaluation Criteria

Competing Applications

Applications will be reviewed and evaluated by a dual review process. Site visits may be part of this process. Applicants must satisfy the essential requirements described under the Program Requirements section of this document to qualify for review. Awards will be made based on merit and priority score ranking by an external peer review committee and by program review by an internal CDC committee, on availability of funds, and on such other factors deemed necessary and appropriate by the Director, CDC.

A. The first review will be a peer review to be conducted on all applications. The applications will be evaluated in the peer review based on the evidence submitted that specifically describes the applicant's ability to meet the following criteria:

1. The scientific merit of the overall application relative to the types of research, demonstration, and other activities proposed and the importance of the theme chosen by the Center as a public health issue and its relevance to the health priorities and needs of a defined population or geographic area. (25 points)

2. The degree to which involvement of CDC staff in Center activities is fostered and State and local health departments and other organizations are involved (e.g., health care providers, voluntary health organizations, professional associations). The degree of involvement will also be measured by the likelihood that these relationships will be sustained or expanded in future years. (20 points)

3. The need for, and significance of, proposed studies and demonstrations, such that at least 25 percent of the grant award will be directed toward the conduct of defined formal studies/research projects and community demonstrations. (20 points)

4. The quality of the program's measurable objectives (to include the overall match between the applicant's proposed theme, activities, objectives, and goals stated in this application) and the adequacy of the methods for coordinating the overall program and evaluating the achievement of the program's measurable objectives. (15 points)

5. The degree to which the applicant possesses "Other characteristics" described under the Program Requirements section of this document. (10 points)

6. Overall qualifications, adequacy, and appropriateness of personnel to accomplish proposed activities. (10 points)

7. The reasonableness of the proposed budget in relation to the proposed program.

B. A secondary review of all applications will be conducted by a CDC committee based on:

1. The results of the peer review.

2. The significance of proposed Prevention Center activities in addressing leading causes of morbidity, mortality and disability; modifiable risk factors and behaviors related to morbidity, mortality and disability, and/or groups within the population with higher rates of morbidity, mortality and disability.

3. Plans of the Prevention Center to become self-sustaining.

4. Needs and geographic balance within the geographic area defined.

5. Balance between multidisciplinary interactions, research projects, community demonstrations, and other proposed activities.

6. Budgetary considerations.

Noncompeting Continuation Applications

Noncompeting continuation applications within an approved project period will be evaluated on the basis of the following criteria:

1. The extent to which the accomplishments of the current budget period show that the applicant is meeting its objectives.

2. The extent to which the objectives for the new budget period are realistic, specific, and measurable.

3. The extent to which the methods described will clearly lead to achievement of these objectives.

4. The extent to which the evaluation plan will allow management to monitor whether the methods are effective.

5. The extent to which the budget request is clearly explained, adequately justified, reasonable, and consistent with the intended use of grant funds.

Funding Priorities

1. Priority will be given to funding competing continuation applicants over applicants for projects that have not received previous support under this program.

2. Priority will be given to funding at least one International Prevention Center.

3. Priority will be given to funding 2 to 3 new Centers.

4. Priority will be given to funding those Prevention Centers that will aid in maintaining an equitable geographic distribution of Centers.

5. Priority will be given to funding Centers representing a distribution of themes.

Executive Order 12372 Review

Applications are not subject to the review requirements of Executive Order 12372, entitled Intergovernmental Review of Federal Programs.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 13.135.

Application Submission and Deadlines

A. Applications

Applications should be submitted on Form PHS–398 and adhere to the ERRATA Instruction Sheet for PHS–398 contained in the Grant Application Kit. The original and two copies must be submitted on or before June 1, 1990, to Henry S. Cassell, III, Grants Management Office, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Mailstop E–14, Atlanta, Georgia 30305.

Applicant organizations wishing to apply for awards for a domestic Prevention Center and for an International Prevention Center must submit a separate application for each type of Center. A single application that seeks funding for both a domestic Center and an International Center will *not* be considered responsive to the application guidelines and will *not* be forwarded for peer review.

An applicant organization has the option of omitting specific salary and fringe benefit amounts for individuals from the copies of the application that are made available to outside reviewing groups. Applicants that elect to exercise this option must use asterisks on the original and two copies of the application to indicate those individuals for whom salaries and fringe benefits are being requested. The subtotals must still be shown.

Such applicants must also submit an additional copy of page four of the application, completed in full, with the asterisks replaced by the amount of the salary and fringe benefits requested for each individual listed. This copy will be reserved for internal CDC staff use only.

B. Deadlines

Applications shall be considered as meeting the deadlines above if they are either:

1. Received at the above address on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the peer review committee. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

C. Late Applications

Applications that do not meet the criteria in B.1. or B.2. above are considered late applications and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, and an application package may be obtained from Ms. Carole J. Tully, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Mailstop E–14, Atlanta, Georgia 30305, (404) 842–6630 or FTS 236–6630.

Technical information may be obtained from William R. Taylor, M.D., M.P.H., Assistant to the Deputy Director for Public Health Practice, Center for Chronic Disease Prevention and Health Promotion, 1600 Clifton Road, NE., Mailstop A–37, Atlanta, Georgia 30333, (404) 639–2263 or FTS 236–2263.

Dated: March 16, 1990.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 90–6523 Filed 3–21–90; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 90N–0111]

Drug Export; Recombinant Human Erythropoietin, Bulk

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Genetics Institute, Inc., Cambridge, MA 02140–2387 has filed an application requesting approval for the export of the biological product Recombinant Human Erythropoietin, Bulk, to Austria, Belgium, Denmark, Federal Republic of Germany, Finland, France, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8191.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Genetics Institute, Inc., 87 Cambridge Park Dr., Cambridge, MA 02140–2387 has filed an application requesting approval for the export of the biological product Recombinant Human Erythropoietin, Bulk, to Austria, Belguim, Denmark, Federal Republic of Germany, Finland, France, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The Recombinant Human Erythropoietin, Bulk, will be further processed into the final product Recormon®. Recormon® is indicated for the treatment of renal anemia in transfusion dependent adult patients on regular hemodialysis. The application was received and filed in the Center for

Biologics Evaluation and Research on February 28, 1990, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by April 2, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated under 21 CFR 5.44.

Dated: March 15, 1990.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 90-6545 Filed 3-21-90; 8:45 am]

BILLING CODE 4160-01-M

Office of Human Development Services

Meeting of the U.S. Advisory Board on Child Abuse and Neglect

Agency Holding the Meeting: Office of the Assistant Secretary for Human Development Services.

Times and Dates: 9 a.m. April 3, 1990 to 5:15 p.m. April 5, 1990.

Place: Ramada Hotel-Ballston, 950 N. Stafford Street, Arlington, Virginia.

Status: The meeting is closed to public observation from 9 a.m. on April 3 until 2:15 p.m. on April 4 and open for public observation thereafter.

Matters to be Considered: At this meeting the U.S. Advisory Board will: In closed session, review the first draft of the first Board report; in open session, determine strategies for assuring that the first Board report reaches the widest possible audience; conduct a hearing on the research program of the National Center on Child Abuse and Neglect; review developments since the September meeting of the Board; discuss proposals for the second year of Board activities; discuss proposed rules of procedure for the Board; discuss possible priorities for the use of National Center discretionary funds with officials of the Administration for Children, Youth, and Families; and hear from several officials of the Department of Health and Human Services.

Contact Person For More Information: Eileen H. Lohr, Program Assistant, U.S. Advisory Board on Child Abuse and Neglect, room 2070-C Switzer Building, Washington, DC 20201, (202) 245-0877.

Dated: March 15, 1990.

Byron D. Metrikin-Gold,

Executive Director, U.S. Advisory Board on Child Abuse and Neglect.

[FR Doc. 90-6544 Filed 3-21-90; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-90-3040]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Community Planning and Development; HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). It has also requested that OMB complete its review within three days.

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 14, 1990.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application forms for Permanent Housing under the Supportive Housing Demonstration Program.

Office: Community Planning and Development.

Description: The application forms are necessary to allow HUD to determine the eligibility of proposed activities, to provide a basis for HUD to assign rating scores to proposals, and to ensure that various prerequisites for funding are met. The proposed application forms and instructions appear below. The application will also include Standard Form 424, Application For Federal Assistance (OMB Approval No. 0348-0043).

Form Number: HUD-40083

Respondents: States.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respodnents	×	Frequency of response	×	Hours per, response	=	Burden hours
Application	102		1		54.25		5,534

Total Estimated Burden Hours: 5,534.
Status: Existing.
Contact: James N. Forsberg, HUD, (202) 755–6300, John Allison, OMB, (202) 395–6880.

Dated: March 14, 1990.

Justification

1. The following circumstances make the collection of information necessary:

The information is needed primarily to assist HUD in selecting proposals to be awarded Permanent Housing funds under the Supportive Housing Demonstration program as authorized by the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100–77) and the final rule governing Permanent Housing (24 CFR part 578) published in the **Federal Register** (54 FR 47024) on November 8, 1989. Selections will be made based on the ranking factors contained in the final rule at § 578.215. Section 578.210 of the final rule mandates the collection of the information described in the Permanent Housing application forms and instructions.

2. The information collected will be used in the following manner:

Part 1, Project Summary: A major function of this form is to assist HUD in computing the amounts of non-Federal resources that would be matched by the Permanent Housing funds. Applicants are required to match Permanent Housing funds for acquisition, rehabiliation, and new construction activities. Permanent Housing grants are available for up to 50 percent of operating and supportive services in the first year and 25 percent in the second year. Applicants are required to provide the remainder. Documentation supporting the availability of the non-Federal resources is required to ensure that a firm basis exists for the matching calculation and that applicants do not receive credit in the competition for guesses about the amount of non-Federal resources to be provided. The form also helps ensure that sufficient resources would be available to cover total activity costs, that no more than 5% of the Permanent Housing award is used for administration of the award, and that applicants do not receive more than the maximum Permanent Housing funds allowed by regulation.

Part 2, Project Description: The description of the facility, the supportive services to be provided, the budget breakdown, the characteristics of the handicapped homeless population that will occupy the permanent housing and how the permanent housing will meet the needs of handicapped homeless persons in the State as required by § 578.210(b)(3), (4) and (5) of the final rule, will assist HUD in assigning rating points for capacity, innovation, need, delivery of supportive services, matching, cost effectiveness, project quality, site control, and integration into the neighborhood. These criteria for assigning rating points are described at § 578.215. The question on when homeless persons will begin to be served by the proposed activities will be used as part of the evaluation of the project sponsors capacity, referred to in § 578.215(b)(1). The question on displacement is designed to ensure that the applicant is counseled by HUD about its responsibilities for relocation assistance should the project involve the displacement of any family, individual, business, nonprofit organization, or farm. The question about whether the project involves only improvements to existing permanent housing structures to bring the structures to an applicable health and safety standard will distinguish such projects as eligible for funding, as described in section 578.125, from ineligible projects requesting support for existing programs.

Part 3, Budget for Operations and Supportive Services: This budget information will assist HUD in assigning rating points for cost effectiveness by considering the extent to which the applicant's proposed costs for operating a facility and providing supportive services are reasonable in relation to the services to be provided. It will also help ensure that there will be adequate reqources available for facility operations and supportive services for any structure acquired or rehabilitated with Permanent Housing funds.

Part 4, Ranking Information: The information requested, in complement with information in other parts of the application, will assist HUD in rating nine ranking criteria described in section 578.215. Specifically, this form requires applicants to provide information about the project sponsor's capacity and about the project's innovative features, response to unmet needs, delivery of supportive services, cost-effectiveness, the extent to which the applicant matches Permanent Housing funds with other, non-Federal sources, project quality, status of site control, and the extent to which the proposed project is integrated into the neighborhood.

Part 5, Additional Documentation: Eact item described on this form is required by section 578.210 of the final rule. The documentation will be used to determine if various prerequisites for Permanent Housing funding have been met, such as consistency of the project with local plans and site control.

3. Development of computer software for use of applicants in preparing their applications was determined not to be cost effective because applications are prepared only on occasion (no more than once a year) and because of the small number of eligible applicants.

4. To avoid duplication of information, instructions for part 1 allow applicants to incorporate by reference information from part 3 rather than requiring repetition of the information.

5. Similar information collected in the past cannot be used instead of the information being requested in the application because up-to-date data is needed for the purpose of selecting the best proposals for grant awards.

6. Because States alone are the eligible applicants, no special consideration was given to the burden placed on small entities by this collection of information. Instead, efforts were made to minimize the burden placed on all applicants, while at the same time ensuring that sufficient information would be provided to allow HUD to determine and select the best proposals.

7. Considering that the information in the application forms will only be collected for the competition, the Permanent Housing program could not operate if the collection were conducted less frequently.

8. This information collection is being conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

9. The information collection requirements contained in these application forms were described in the final rule for the Supportive Housing Demonstration program, published in the **Federal Register** on November 8, 1989. In the preamble to that rule, the public was provided the opportunity to send comments to HUD by December 8, 1989, regarding the estimated public

reporting burden or any other aspect of the collection of information described in the rule, including suggestions for reducing this burden. The need to proceed quickly with the funding competition limited the opportunity to consult further with the public about this information collection.

10. To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the proposed application does not request the submission of such information.

11. This information collection does not include any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

12. Estimates of the annualized cost to the Federal Government and to the respondents are of this information collection are:

Federal Government Cost:	
Review, rank and select applicants	$13,056.00
Notify selected applicants (clerical and professional staff time)	250.00
Total	13,306.00
Respondent's Cost (per site):	
Preparation of proposal	651.00
Administrative expenses	750.00
Total	1,401.00

13. The following are estimates of the burden of this collection of information:

	Number of respondents	Frequency of response	Hours per response	Burden hours
Application	102	1	54.25	5,534

14. The burden hours have not been increased for the collection of information in the application forms.

15. The results of the collection of information are not planned to be published for statistical use.

BILLING CODE 4210-01-M

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB Approval No. 2506-0000 (exp.)

Application for

Permanent Housing for the Handicapped Homeless **(PH)**

Supportive Housing Demonstration Program

Permanent Housing (PH) under the Supportive Housing Demonstration Program

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0000

General Instructions

1. Purpose: This application is for use by States in applying for assistance for Permanent Housing under the Supportive Housing Demonstration Program.

2. Regulations: Regulations governing Permanent Housing are contained in a final rule (24 CFR Part 578) published by HUD on November 8, 1989 (54 FR 47024). References to sections in Part 578 are contained throughout the application. A copy of the regulations is included in the application package.

3. Application Deadline: The application must be received at the Washington, D.C. address shown in paragraph 4 not later than 3:00 P.M., Washington, D.C. time, on the date indicated in the Notice of Funds Availability (NOFA) published in the Federal Register. An application received after the exact date and time specified will be late and will not be considered for funding.

a. Hand carried applications. To be considered timely, a hand carried application must be received at the Washington, D.C. address shown below by the date and time specified. All hand carried deliveries received after the time and date specified or delivered to the wrong room will be considered late. Applicants are reminded that use of commercial delivery service usually results in the actual delivery to HUD by a messenger. A hand carried application delivered by a messenger after the exact date and time specified is considered late.

b. Mailed applications. To be considered timely, a mailed application will be considered as received on time at the Washington, D.C. address shown below if it is postmarked on or before the deadline date for receipt of applications specified in the Notice of Funds Availability published in the Federal Register. However, the application must have been mailed through the United States Postal Service (USPS) and must bear a clearly legible stamp showing the date of mailing. Any type of special USPS mail may be used including but not limited to Express, Priority, Registered and Certified. These types of mail usually have a clear postmark showing the date of mailing. It is the responsibility of the applicant to ensure that a clear postmark is on the package. Applications received after the deadline date and showing private metered postmarks or use of any non-USPS carrier will be considered late. (Applications received at the Washington, D.C. address on or before the deadline date showing private metered postmarks or use of any non-USPS carrier will be considered timely.)

4. Where to send applications: An original and one copy of the application must be sent to the following address:

Department of Housing and Urban Development
Office of Community Planning and Development
Special Needs Assistance Programs, Room 7262
451 7th Street, S.W.
Washington, D.C. 20410

Attention: Mr. James N. Forsberg

In addition, a copy of the application must be sent to the HUD field office serving your area, as listed in the Notice of Funds Availability. That copy should be received by the field office by the deadline date, but a determination that your application was received in time to be considered for funding will be made solely on receipt of the application at the Washington, D.C. address shown above.

5. Application Content:

a. Transmittal Letter. Prepare a brief letter transmitting the application and providing the name and telephone number of a person who may be contacted by HUD concerning the application. The letter should be signed by the authorized representative of the applicant.

b. SF-424. Included in this application is a standard form used as a cover sheet for applying for Federal assistance. After completion, it must be signed by the authorized representative of the applicant. Executive Order 12372, which is referred to in the SF-424, does not apply to Permanent Housing. Joint applications are not permitted. Therefore, there should be only one signature.

c. Certifications. The applicant must provide a copy of the required certifications statement signed by the authorized representative of the applicant. A copy of the required certifications statement appears in this application immediately after the SF-424. The signed copy should be attached to the SF-424.

d. Table of Contents. Prepare a table of contents listing the major parts and supporting documentation of the application. For the ease of review, please mark each major part with tabs or other dividers. Also, for ease of reference, after the total application is assembled, please number every page of the application sequentially, starting with the first page following the table of contents.

e. Part 1, Project Summary. Prepare this form following the instructions provided and enclose all required supporting documentation.

f. Part 2, Project Description. Prepare this form following the instructions provided and enclose all required supporting documentation. If a project is proposed to be carried out at more than one site, a separate copy of this form and the supporting documentation is needed for each site.

g. Part 3, Budget for Operations and Services. Prepare this form following the instructions provided and enclose all required supporting documentation. This budget form covers resources and expenses for facility operations and supportive supportive services. It must be completed by all applicants for Permanent Housing funds regardless of whether PH funds are being requested to pay such expenses.

h. Part 4, Ranking Information. Following the instructions which appear at the top of the Part 4 form, enclose with this form the required information.

i. Part 5, Additional Documentation. Following the instructions which appear at the top of the Part 5 form, enclose with this form the required information.

6. For Further Information: If you have any questions regarding the Permanent Housing application or any other aspects of the Permanent Housing program, please call the HUD field office serving your area, as listed in the Notice of Funds Availability. Following the application deadline, applicants should not contact HUD regarding their applications. Applicants will be notified that their applications were received.

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State; B. County; C. Municipal; D. Township; E. Interstate; F. Intermunicipal; G. Special District; H. Independent School Dist.; I. State Controlled Institution of Higher Learning; J. Private University; K. Indian Tribe; L. Individual; M. Profit Organization; N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

Department of Housing and Urban Development

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 14.178

TITLE: Supportive Housing Demonstration: Permanent Housing

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☒ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: — "New" means a new assistance award. — "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. — "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

Applicant Certifications

The Applicant hereby assures and certifies that:

1. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and regulations pursuant thereto (Title 24 CFR Part 1), which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, the transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

It will comply with The Fair Housing Act (42 U.S.C. 3601-20), as amended, and with implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.

It will comply with Executive Order 11063 on Equal Opportunity in Housing and with implementing regulations at 24 CFR Part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

It will comply with Executive Order 11246 and all regulations pursuant thereto (42 CFR Chapter 60-1), which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701a), and regulations pursuant thereto (24 CFR Part 135), which require that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project and contracts for work in connection with the project be awarded in substantial part to persons residing in the area of the project.

It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and with implementing regulations at 24 CFR Part 8, which prohibit discrimination based on handicap in Federally-assisted and conducted programs and activities.

It will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07, as amended, and implementing regulations at 24 CFR Part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

It will comply with Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

2. It will provide drug-free workplaces in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) by:

(a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees who violate the prohibition;

(b) establishing a drug-free awareness program for its employees;

(c) requiring each employee involved in the performance of the grant to be given a copy of the statement described under (a) above;

(d) requiring employees to abide by the terms of the statement under (a) above and to notify the employer of any criminal drug statute conviction for a violation as described in (a) above;

(e) taking appropriate personnel action within a specified time frame against any employee convicted of a criminal drug statute violation occurring in the workplace (up to and including termination of employment) or requiring satisfactory participation in an approved drug rehabilitation program;

(f) making a good faith effort to maintain a drug-free workplace by implementing the requirments of (a) through (e) above;

(g) providing the street address, city, county, state, and zip code for the site or sites where the performance of work in connection with the grant will take place. For some applicants who have functions carried out by employees in several departments or offices, more than one location may need to be specified. It is further recognized that States and other applicants who become grantees may add or change sites as a result of changes to program activities during the course of grant-funded activities. Grantees, in such cases, are required to advise the HUD Field Office by submitting a revised "Place of Performance" form. The period covered by the certification extends until all funds under the specific grant have been expended.

3. It will provide the assurances required by Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (42 U.S.C. 4601-4655) (URA), and comply with 49 CFR Part 24, which contains the government-wide regulations implementing the URA.

4. It will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4821-4846, and implementing regulations at 24 CFR Part 35 (except as superseded in 24 CFR 579.325(d)(2)).

5. The environmental effects of this application will be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) (NEPA) and the related environmental laws and authorities listed in HUD's implementing regulations at 24 CFR Part 58. States must assess the environmental effects of each application for assistance in accordance with the procedural provisions of NEPA and the regulations contained in 24 CFR 58.

6. (a) No Federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and of more than $100,000 for each such failure.

7. It will comply with the maintenance of effort requirements described at 24 CFR 578.125(b).

8. The project will be operated for no less than 10 years from the date of initial occupancy for the purpose specified in the application.

9. It and its principals (see 24 CFR 24.105(p)) (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions (see 24 CFR 24.110) by any Federal department or agency; (b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or

commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in (b) of this certification; and (d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation behind this page.

10. It will supplement the amount of PH assistance for acquisition and substantial rehabilitation advances and moderate rehabilitation grants requested in this application with an equal amount of funds from non-Federal sources.

Signature of Authorized Certifying Official	Title
X	
Applicant Organization	Date Submitted

Permanent Housing (PH)
Part 1
Project Summary

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0000

A. Name of Applicant :

B. Name of Project Sponsor:

C. Is the Project Sponsor a Primarily Religious Organization ?

☐ Yes ☐ No (reference 578.125(c) of the PH regulations)

D. Name and Title of the authorized official of the State who has approved the project sponsor named in item B as to its financial responsibility:

E. Address(es) of Site(s) :

F. Narrative Summary:

Attach additional sheet(s) if necessary

G. Sources and Uses Summary:

Activity Category (a)	Total Activity Cost (cols. c thru e) (b)	PH Amount Requested (c)	Other Federal Funds (d)	Balance of Activity Cost (e)	Other Contributions (f)
1. Acquisition	$ =	$ +	$ +	$	$
2. Substantial Rehabilitation	$ =	$ +	$ +	$	$
3. Subtotal (sum lines 1 & 2)	$ =	$ +	$ +	$	$
4. New Construction (under limited circumstances)	$ =	$ +	$ +	$	$
5. Moderate Rehabilitation	$ =	$ +	$ +	$	$
6. Operating Costs	$ =	$ +	$ +	$	
7. Supportive Services	$ =	$ +	$ +	$	
8. Subtotal (sum of lines 3 through 7)	$ =	$ +	$ +	$	
9. Administrative Costs (Maximum 5% of 8(c))		$			
10. Total PH Amount Requested		$			

form HUD-40083

Instructions for Part 1, Project Summary

General: Each application for Permanent Housing (PH) funding may include only one project. Each project will be assigned points and ranked separately in competition with other proposals. A project may include one or any combination of the following types of activities: (1) acquisition and/or substantial rehabilitation of existing structures (reference Section 578.105); (2) moderate rehabilitation of existing structures (reference 578.110); (3) new construction, under limited circumstances (reference 578.112); (4) operating costs and supportive costs for a period not to exceed two years (reference 578.115).

Permanent housing may be in the form of homes designed solely for housing handicapped homeless persons or in the form of dwelling units for handicapped homeless persons in a rental apartment building, a condominium project or cooperative project. No more than one home may be located in any one site and no such home may be located on a site contiguous to another site containing such a home.

Unless waived by HUD in accordance with Section 578.325(d), permanent housing consisting of dwelling units in a rental building, a condominium, or cooperative may not serve more than eight handicapped homeless persons and the homeless families of the eight homeless persons (if the head of the family or the spouse of the head of the family is a handicapped homeless person). If the permanent housing is a group home, the project may not serve more than eight handicaped homeless persons, unless waived by HUD, and may not serve the families of the handicapped homeless persons.

However, within the confines of these restrictions, a project may include one or more sites. In all cases the limit on the amount of PH funding available for each type activity, as described in the sections referenced above, applies to the combined amount of PH funds to be spent for the activity at all project sites. For example, if the proposed project involves moderate rehabilitation of several structures, the limit of the amount of PH funds that may be used for the moderate rehabilitation applies to the combined amount of PH funds to be spent for the moderate rehabilitation at all project sites.

Item A: Applicant means the State in which the permanent housing for the handicapped is to be located. The State, as the recipient of the requested PH funds will execute a grant agreement with HUD. The applicant may be a State housing finance agency or other State agency that customarily implements housing programs for the State and that is identified by statute to participate in housing programs in the State. The applicant's name should be the same as shown in item 5 of the Standard Form 424, Application for Federal Assistance.

Item B. Project Sponsor is defined as a private nonprofit organization that the authorizing agent of the State approves as financially responsible, or a public housing agency (PHA). The project sponsor is responsible for operating the permanent housing and for providing, or coordinating the provision of, supportive services to the residents of such housing. List the name and address of the project sponsor designated by the applicant to carry out this project. Provide evidence from the project sponsor that it has agreed to:

1. Operate the project in accordance with the PH regulations;

2. Provide housing that is in compliance with all State and local housing codes, licensing requirements and any other requirements in the jurisdiction in which the housing is located regarding the condition of the structure and the operation of the housing;

3. Conduct an ongoing assessment of the supportive services required by the residents of the project and make adjustments as appropriate;

4. Provide any residential supervision determined by HUD as necessary to facilitate the adequate provision of supportive services to the PH residents;

5. Keep any records and make any reports that HUD may require.

Note: Such evidence may be in the form of a letter from the project sponsor stating its agreement to the above provisions.

Item C: To the question: "Is the project sponsor a primarily religious organization?" mark "Yes" or "No" as appropriate (reference 578.125(c)).

Item D. If the project sponsor is a public housing agency, enter "Not applicable". If the project sponsor is a private nonprofit organization, the financial responsibility of the organization must be approved by an authorized official of the State (Reference: 578.210). In such cases, enter the name and title of the authorized official of the State who made the approval. The State must also maintain evidence that the private nonprofit organization:

a. operates in a manner so that no part of its net earnings inures to the benefit of any member, founder, contributor or individual. One acceptable form of evidence for this is a copy of the organization's IRS ruling providing tax emept status under Section 501(c)(3) of the IRS Code of 1986, as amended;

b. has a voluntary Board of Directors; and

c. has a functioning accounting system that is operated in accordance with generally accepted accounting principles (as evidenced by either an audit or certification by a CPA or Public Accountant, or some other independent third-party qualified to provide an informed opinion); OR has designated a qualified entity to maintain a functioning accounting system in accordance with generally accepted accounting principles.

Item E: A proposal for PH assistance may involve more than one project site. In such cases, list the address of each site.

Item F: Briefly describe your proposal. If your proposal is for expansion of an existing facility or the services provided there, describe what currently exists and how the proposal relates to it.

Item G: Sources and Uses Summary:

Column (a): Activity Category - The following describes the types of funding available under the PH program.

Line 1. Acquisition: Advances to defray the cost of acquiring existing structure(s), or to repay any outstanding debt on a loan made to purchase existing structure(s), for use in the provision of permanent housing. An applicant requesting an advance for repayment of an outstanding loan must submit the following information:

a. A copy of the contract of sale identifying the property listed in item E, above;

b. A copy of the loan agreement, mortgage agreement, or deed of trust;

c. Documentation showing the loan purpose and balance owed on the loan, mortgage or deed of trust; and

d. Certification that the structure has not been assisted with PH funds before the date of the application.

Line 2. Substantial Rehabilitation: Advances to defray the cost of substantially rehabilitating structures for use in the provision of permanent housing. Substantial rehabilitation is defined as rehabilitation of a building that involves costs of rehabilitation in excess of 75 percent of the value of the building before rehabilitation.

Line 3. Subtotal (sum lines 1 & 2): If the applicant meets the matching share requirement described at Section 578.130(a), HUD will make an advance for acquisition / substantial rehabilitation consistent with the following terms (reference 578.105):

a. Amount: The advance may not exceed the lower of:

(i) $200,000 (or in areas determined by HUD to have high costs, up to $400,000); or

(ii) The total cost of the acquisition/substantial rehabilitation of the project's building(s) minus the applicant's contributed resources for meeting the acquisition/substantial rehabilitation costs.

For example, if the acquisition and substantial rehabilitation cost of the project's building(s) is $190,000 and the applicant proposes to contribute $10,000 in donated materials and $5,000 in cash, then the maximum advance HUD will make is $175,000 ($190,000 minus $15,000 = $175,000). This

presumes the applicant can provide non-Federal contributions to match the $175,000 advance. Although the applicant's contribution of $15,000 would be counted toward the match, the applicant still needs to provide the match for the remaining $160,000.

b. Other terms of an advance for acquisition/substantial rehabilitation are described in section 578.310 of the regulations.

Line 4. New Construction: An advance may be made to defray the cost of new construction of a structure for use in the provision of permanent housing if the applicant documents and HUD concurs in the following:

a. The project involves the cooperation of a city and of a State university. Documentation may include letters, memorandums of understanding or agreements with the appropriate parties outlining their level of cooperation in the project;

b. The land on which the structure will be constructed has been donated to the applicant by a State university;

c. The proposed structure has a minimum of 10,000 square feet. Evidence may include a footprint of the structure or an architect's certification of the size of the structure; and

d. The applicant's proposal involves a model PH project with a comprehensive support system including health services, job counseling, mental health services and housing assistance and advocacy.

Note: The terms of an advance for New Construction are equivalent to those described under the above line 3 (reference 578.112).

Line 5. Moderate Rehabilitation: Grants to defray the cost of moderate rehabilitation of existing structures for use in the provision of permanent housing. Moderate rehabilitation is defined as rehabilitation of a building that involves costs of 75 percent or less of the value of the building before rehabilitation.

Note: The terms of a grant for moderate rehabilitation are equivalent to those described under line 3 above (reference 578.110).

Line 6. Operating Costs: Grants for a period not to exceed two years to pay for the costs associated with the day-to-day operation of permanent housing, including expenses incurred for administration (including staff salaries), maintenance, minor or routine repair, security, rental, utilities, fuel, furnishing and equipment of such housing, and relocation assistance (reference 578.5, "Operating Costs").

Line 7. Supportive Services: Grants to pay for the costs of providing supportive services to assist residents of permanent housing for a period not to exceed two years. Such costs include salaries paid to providers of supportive services, the costs of conducting resident supportive services needs assessments, and any other costs directly associated with providing such services.

Note: The following information applies to the above Lines 6 & 7. If this proposal requests an operations and/or supportive services grant and the relating structure(s) listed in item E is incomplete (i.e. not available for occupancy), the applicant must provide reasonable assurance of completion of construction within nine months after notification of grant award. Assistance for operations and/or supportive services will not begin until the date of initial occupancy. If the structure(s) listed in item E will not be available for occupancy as of the date of this application submission, provide the following documentation.

a. Evidence that construction financing has been obtained. Such evidence may include a firm commitment or executed loan agreement from the party providing the construction financing; and

b. A copy of the construction contract for the proposed structure containing the terms and conditions with regard to cost and date of completion, and the name of the contractor carrying out the construction contract.

Note: The following information applies to Lines 6 & 7. Upon approval of a grant(s), HUD will obligate funds for the operating period sought (but not more than a 2-year period) based upon the applicant's estimate of such costs less the applicant's percentage share of such costs. HUD may reduce the funding level for the second year under Section 578.400 of the regulations.

Line 8: Subtotal: Sum lines 3 through 7.

Line 9 Administrative Costs: Costs of administering the PH assistance, such as the cost of audits. Recipients are allowed to expend no more than 5% of line 8, column (c) for costs associated with the administration of their advances and/or grants.

Column (b): Total Activity Cost - For each line, 1 through 8, enter the sum of columns (c) through (e). For each activity category listed in column (a), Total Activity Cost represents the total amount needed from all sources to carry out the activity. **Do not** include amounts from column (f).
Note: The sum of the amounts entered on lines 6 & 7 in column (b) must be equal to the total expenses for operations and supportive services, as shown in Part 3, column (d), line 14.

Column (c): PH Amount Requested - Enter the amount of PH funds requested for each activity category listed in column (a).

Line 1. Acquisition: Enter the amount of the PH advance requested for acquisition.

Line 2. Substantial Rehabilitation: Enter the amount of the PH advance requested for substantial rehabilitation.

Line 3. Subtotal: Add the amounts on line 1 & 2 and enter total on Line 3. As discussed in line 3, column (a) above, this total cannot exceed the lower of $200,000 ($400,000 for high cost areas) or the total cost of the acquisition/substantial rehabilitation of the structure(s) minus the applicant's contributed resources. Matching share requirement must also be met.

Line 4. New Construction (under limited circumstances): Enter the amount of the HUD advance requested for new construction of permanent housing. As discussed above, this total cannot exceed the lower of $200,000 ($400,000 for high cost areas) or the total cost of the new construction minus the applicant's contributed resources. Matching share requirement must also be met.

Line 5. Moderate Rehabilitation: Enter the amount of the PH grant requested for moderate rehabilitation. As discussed above, this total cannot exceed the lower of $200,000 ($400,000 for high cost areas) or the total cost of the rehabilitation minus the applicant's contributed resources. Matching share requirement must also be met.

Line 6. Operating Costs: Enter the amount of the PH grant requested for the operation of transitional housing.

Line 7. Supportive Services: Enter the amount of the PH grant requested for the supportive services to be provided to the residents of transitional housing.
Note: Requests for assistance may be up to 50% of operating costs and supportive services costs for the first year and up to 25% of the costs for the second year (reference 578.115). The amount requested may cover a period of one or two years and must be equal to the sum of the amounts shown in Part 3, Budget, lines 1a & 1b, column (d).

Line 8. Subtotal: Enter the sum of all amounts listed in column (c), lines 3 through 7.

Line 9. Administrative Costs: Enter the amount of PH grant requested to administer the PH advances and/or grants. The amount entered may not exceed 5% of line 8, column (c).

Line 10. Total PH Amount Requested: Enter the sum of lines 8 and 9, column (c).

Column (d). Other Federal Funds: For each line, 1 through 7, enter any Federal funds, other than the amount of PH funds shown in column (c), that will be used in meeting the expenses of the corresponding activity listed in column (a). For example, grant funds awarded by the Federal Emergency Management Agency may represent part of the funds needed for operating the facility described in this PH proposal. Federal monetary contributions to the activity are not included in computing the required match for acquisition, rehabilitation or new construction. Note, however, that funds from Community Development Block Grants and Community Services Block Grants are considered non-Federal sources; they may be included as non-Federal cash contributions, as described below (reference 578.130).

In support of the amount entered in column (d) for each of lines 1, 2, 4 and 5, attach a list of the source and amount of each Federal commitment and provide evidence substantiating each commitment. Documentation for lines 6 & 7 must be included in Part 3.

On line 8, enter the sum of all amounts listed in column (d), lines 3 through 7.

Column (e): Balance of Activity Cost - For each line, 1 through 7, enter any resources, other than Federal monetary contributions, that will be used in meeting the expenses of the corresponding activity listed in column (a). Lines 6 & 7 may include amounts representing documented resources and other anticipated resources as described in Part 3. However, for lines 1 through 5 such resources are limited to those for which documentation is submitted with this application supporting the availability of non-Federal contributions. This includes both cash and the value of in-kind contributions. This may include funds and other contributions from State and local governments, Community Development Block Grants, Community Services Block Grants, and private sources. For example, if an applicant proposes to substantially rehabilitate a building and $10,000 worth of building materials and $5,000 in non-Federal cash will be contributed toward the cost of rehabilitation, then the applicant should enter $15,000 on line 2, column (e).

The value of contributions related to the activity, but which will not actually meet part of the expense of the specific activity, must not be entered in column (e). For example, if the building being rehabilitated is donated to the project, the building's fair market value must not be entered in column (e), because that donation will not help meet the cost of the rehabilitation. The donation of the building will be reflected in column (f), Other Contributions.

In support of the amount entered in column (e) for each of lines 1, 2, 4 and 5, attach a list of the source and amount of each contribution to the balance of the activity's cost. Also, see the discussion below on the documentation required to be submitted to support the availability of non-Federal contributions. Documentation for lines 6 & 7 must be included in Part 3.

On line 8, enter the sum of all amounts listed in column (e), lines 3 through 7.

Column (f): Other Contributions: For each line, 1 through 5, enter the value of contributions related to the corresponding activity, but which will not actually meet part of the expense of that activity. See example under the instructions for column (e).

Such contributions are limited to those for which documentation is submitted with this application supporting the availability of non-Federal contributions. In support of the amount entered in column (f) for any activity category, attach a list of the source and amount of each contribution related to the activity. To the extent possible, this requirement may be met by incorporating by reference documentation enclosed with the Part 3 form. Also see the discussion below on the documentation required to be submitted to support the availability of non-Federal contributions.

Required Match: The HUD Permanent Housing program requires that the applicant match the PH funds provided by HUD for acquisition / substantial rehabilitation/new construction advances and moderate rehabilitation grants with non-Federal sources. Amounts entered in columns (e) and (f), lines 3 through 5, will be used in calculating the match. To meet the matching share requirements, the sum of the amounts entered in columns (e) and (f) for each of lines 3, 4 and 5, respectively, must at least equal the amount entered in column (c) for each of those lines. HUD field office staff members are available to provide technical assistance on meeting matching share requirements. (reference 578.130)

Documentation to Be Submitted to Support the Availability of Non-Federal Contributions. For lines 1 through 5, each amount entered in column (e) or (f) must be supported by documentation, as described below. These standards also apply to documenting the availability of non-Federal contributions for operating costs and supportive services, as referenced in the instructions for Part 3 of this application.

1. Cash Contributions:

a. By Applicant - An applicant committing its own funds must commit to a specific dollar amount in writing by an authorized representative of the applicant with the authority to certify that such funds are currently available, committed to the project and will be held exclusively for this purpose.

Rental Income - An applicant requesting an operating grant may include in the applicant's non-Federal share, rental payments to be paid (during the 2-year period covered by the Budget shown in Part 3 of this application) by residents of the permanent housing assisted under this proposal. Documentation of the contribution of rental income for the applicant's non-Federal share would show the total estimated number of households occupying the facility, an estimate of the monthly or annual rent to be charged, and the estimated total annual amount of rent to be collected.

b. By Third-party - If the applicant proposes to use funds from a grant or donation as a source of its non-Federal contributions in either columns (e) or (f), then the following documentation must be submitted for each such grant or donation:

(i) the name of the party making the grant or donation;

(ii) the dollar amount of the grant or donation;

(iii) evidence, such as a commitment letter from the third-party, that the funds have been granted or pledged, or if this is not possible, the factual basis on which the applicant has the expectation of receiving the funds, such as past funding experience; and

(iv) the approximate date the funds will be made available. The commitment may be conditioned upon the receipt of HUD funds under this proposal, however, the commitment must not include any other conditions affecting the availability or provision of the grant or donation.

2. "In-kind" contributions:

a. Contribution of building - An applicant requesting an advance and/or a grant may contribute its fee simple ownership in the structure(s) for the site(s) shown for this proposal in Item E. of this application form. Fee simple ownership may also be contributed by the project sponsor. HUD will recognize the fair market value of the structure to be contributed. If the applicant or project sponsor is making such a contribution, then the following documentation must be submitted:

(i) a pledge from an authorized official of the applicant or project sponsor contributing the real property to the project; and

(ii) evidence substantiating the fair market value of the real property identified in Item E. of this form. Such evidence may consist of a statement of the appraised value of the building and identification of the sources of the appraisal. The appraisal itself must be kept on file by the applicant.

b. Contribution of leasehold interest - An applicant requesting an advance or a grant may contribute its leasehold interest in the structure(s) listed

in Item E. of this application form. Such a leasehold interest may also be contributed by the project sponsor. HUD will recognize the fair rental value of the building. If the applicant or project sponsor is making such a contribution, then the following documentation must be submitted:

(I) a pledge from an authorized official of the applicant or project sponsor contributing the leasehold interest of the structure to the project;

(ii) an executed copy of the applicant's or project sponsor's lease for the structure; and

(III) evidence substantiating the fair rental value of the lease. Such evidence may include the lease submitted for (ii) above if it shows the term of the lease and the annual lease amount to be paid and documentation from an independent third-party, such as a real estate firm, with knowledge of the area, attesting to the current market rental rates for similar space in the project area.

c. Volunteer time and services - HUD will recognize time and services to be contributed to the project by volunteers at the value of $5.00 per hour. To support the volunteer time and services to be used as non-Federal contributions, provide the following information by activity category (i.e., substantial rehabilitation, operating costs, etc.):

- the name of the person or organization volunteering time and services;
- a written commitment from the person or organization specifying the number of hours of volunteer time and services to be contributed; and
- a summary of the total number of hours to be contributed, by activity category, and the total value of those hours, calculated at $5.00 per hour.

d. Contributed materials - HUD will recognize the value of materials to be contributed to the project. To support the value of the donated materials, provide the following information by activity category (i.e. substantial rehabilitation, operating costs,etc):

- the name of the person or organization donating the materials;
- a written commitment from the person or organization to provide the donated materials, including a dollar valuation of the materials; and
- a list of the materials with their estimated value and the method for determining that value.

Checklist: The required information described in these Part 1 instructions should be enclosed behind Part 1, the Project Summary form, in the order it is described. Label each enclosure. To ensure that the necessary information is submitted, place check marks in the boxes below when the information is assembled in order and enclosed behind the form. Where a listed item does not apply, write "NA" in the box.

☐ **1.1 Project Sponsor:** Provide evidence that the project sponsor has agreed to the requirements outlined the instructions for item B.

☐ **1.2 Acquisition:** If an advance is used to repay outstanding debt on a loan on an existing structure, provide the financial information as requested under the column (a), line 1, instructions.

☐ **1.3 New Construction:** If an advance is used for new construction, provide the documentation as requested in the Part 1, column (a), line 4, instructions.

☐ **1.4 Unavailable for Occupancy:** Provide the information as requested in the instructions for Part 1, column (a), line 7 under a & b of the "note" section.

☐ **1.5 Other Federal Funds:** In support of the amounts entered in Part 1, column (d), *Other Federal Funds*, on lines 1, 2, 4 and 5, list the source and amount of each Federal commitment and provide evidence substantiating each commitment.

☐ **1.6 Balance of Activity Cost:** In support of the amounts entered in Part 1, column (e), *Balance of Activity Cost*, on lines 1, 2, 4 and 5, list the source and amount of each contribution and provide the documentation required concerning the availability of the contribution.

☐ **1.7 Other Contributions:** In support of the amounts entered in Part 1, column (f), *Other Contributions*, list the source and amount of each contribution and provide the documentation required concerning the availability of the contribution.

Permanent Housing (PH)
Part 2
Project Description

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0000

1. Name of Project Sponsor :

2. Address of Site :

3. Size of Project Site :	4. Size of Building :	5. Size of Expansion :	6. Occupancy Type :	7. No. of Bedrooms : Current :	Proposed :	8. No. of Beds : Current :	Proposed :
Sq. Ft.	Sq. Ft.	Sq. Ft.					

9. **Project Description Attachments:**
   a. Additional description of building;
   b. Description of each activity (e.g., substantial rehabilitation; supportive services) for which PH funds are being sought for this site;
   c. Budget breakdown for each activity for which PH funds are being sought for this site.

	No. of Families	No. of Persons
10. How many handicapped homeless families and persons are **currently** served at this site?		
11. How many handicapped homeless families and persons **will be** served at this site?		
12. Within how many months from the award of PH assistance will homeless persons begin to be served by the proposed activities?		mos.
13. Will this project involve the displacement of any "person" (i.e., individual, family, business, nonprofit, or farm)?		☐ Yes ☐ No
14. Does this project involve only improvements to existing permanent housing structures necessary to bring the structures to a level that meets applicable State and local government health and safety standards?		☐ Yes ☐ No

Instructions for Part 2, Project Description

Fill out a Part 2 form for each site identified in Item E, "Address(es) of Site(s)" in Part 1 of this application.

Item 1. Project Sponsor: Enter the name of the project sponsor. This must be the same as the name entered in item B of Part 1 of this application.

Item 2. Address of Site: Enter the address where the proposed project (or part of the project) will be located. Note: This address should be the same as the address (or one of the addresses) entered in Item E of Part 1 of this application.

Item 3. Project Site Size: Enter the size of the site identified in Item 2.

Item 4. Building Size: Enter the size of the building(s), in square feet, which currently exists on the project site. If this site is vacant, write "vacant" in the space provided.

Item 5. Expansion Size: If applicable, enter the number of square feet which are proposed to be added to the building(s) in Item 4.

Item 6. Occupancy Type: Enter the type of bedrooms (i.e., dormitory, single occupancy, double occupancy, or other) that are proposed under this project.

Item 7. Number of Bedrooms: In the space labeled "current," enter the number of bedrooms which currently exist in the building(s) on this site. In the space labeled "proposed," enter the total number of bedrooms which will be available in the building(s) on this site if this project is approved.

Item 8. Number of Beds: In the space labeled "current," enter the number of beds which currently exist in the building(s) on this site. In the space labeled "proposed," enter the total number of beds which will be available in the building(s) on this site if this project is approved.

Item 9. Project Description Attachments: The following information must be attached to this Part 2 form:

a. **Additional description of building** - Describe the outside dimensions of the building, the number of usable floors, the kitchen and bathroom facilities, and any amenities.

b. **Description of each PH-assisted activity** - Briefly describe each activity for which PH funds are being sought for this site. Describe the entire activity, regardless of whether PH funds are proposed to pay all, or just part, of the activity's cost. The activity categories, as listed in column (a) of Part 1 of this application, are acquisition, substantial rehabilitation, moderate rehabilitation, operating costs, supportive services and new construction.

If PH funds are proposed for use in acquiring, repaying an outstanding debt, substantially rehabilitating, or moderately rehabilitating an existing building, state the appraised value of the building and identify the source of the appraisal. The appraisal itself must be kept on file by the applicant.

If PH funds are proposed for use in leasing an existing building, state the current fair market rental value of the lease and describe how, and by whom, that value was established. Evidence substantiating the fair market rental value of the lease must be kept on file by the applicant. Such evidence may include the proposed lease showing the term and annual lease amount to be paid and documentation from an independent third-party, such as a real estate firm with knowledge of the area, attesting to the current market rental rates for similar space in the project area.

c. **Budget breakdown for each PH-assisted activity** - Provide a budget breakdown for each activity for which PH funds are being sought for this site, as follows:

Acquisition:

- the total amount to be paid for the site; and
- the closing costs, but not including prepaid items.

Substantial Rehabilitation, Moderate Rehabilitation or New Construction:

- the total dollar estimate of work to be done at this site;
- a breakdown of all hard construction costs, including a breakdown of labor and material costs shown by trade (i.e., carpentry, plumbing, heating/air conditioning, etc.) and a breakdown of all soft costs (i.e., architect fees, taxes, permits, etc.) which make up the total cost of the rehabilitation or new construction work; and
- the methods by which these costs were calculated (e.g., architect's estimate, contractor's estimate, supplier's estimate, etc.).

Indicate how much of the acquisition / rehabilitation / new construction cost will be paid with PH funds.

Operating Costs and Supportive Services: Part 3 of this application, Budget, provides the needed budget breakdown for operating cost and supportive services activities. **Note: When a project is carried out at more than one site, the sum of the budgets for each activity (e.g., moderate rehabilitation) at all sites must equal the "Total Activity Cost" for that type of activity as shown in column (b) of Part 1 of this application.**

Note: As used below, handicapped homeless person means a person who is homeless, or is at risk of becoming homeless, or has been a resident of transitional housing under the Transitional Housing program described at 24 CFR Part 577, and whose impairment (handicap) is expected to be of long-continued and indefinite duration. The impairment must be a substantial impediment to the individual's ability to live independently and must be of a nature that the individual's ability to live independently could be improved by a stable residential situation. This term also includes a homeless family if the head of the family or the spouse of the head of the family is a handicapped homeless individual. Not included in this category are persons whose sole impairment is alcoholism and/or drug addiction (Reference 578.5).

Item 10: Enter the number of homeless families currently served at this site where the head of the family (or spouse of the head of the family) is a homeless handicapped person. Also enter the total number of persons in all of those families plus all other homeless individuals meeting the definition of handicapped who are currently served at this site.

Item 11: Enter the estimated number of homeless families who will be served at this site where the head of the family (or the spouse of the head of the family) is a handicapped homeless individual. Also enter the total number of persons in all of those families plus all other homeless handicapped individuals who are expected to be served at this site if this project is approved. If this project is an expansion of an existing facility, include in these totals those families and individuals currently served at the existing facility.

Item 12: Enter the number of months from grant award until homeless persons will begin to be served by the proposed activities.

Item 13: If the answer is "Yes," contact the HUD Field Office for guidance. Generally, a person occupying property who moves permanently and involuntarily as a direct result of acquisition, rehabilitation, or demolition for the project is a "displaced person".

Item 14: Check "Yes" or "No", as applicable (reference 578.125(a)).

Checklist: The required information described in these Part 2 instructions should be enclosed behind Part 2, the Project Description form, in the order it is described. Label each enclosure. To ensure that the necessary information is submitted, place check marks in the boxes below when the information is assembled in order and enclosed behind the form. If there is more than one project site, a separate form and enclosures are required for each site.

☐ **2.1 Additional Description of Building:** Describe the outside dimensions of the building, the number of usable floors, the kitchen and bathroom facilities, and any amenities. See item 9a instructions.

☐ **2.2 Description of PH-Assisted Activities:** Briefly describe each activity for which PH funds are being sought for this site. See Item 9.b. instructions.

☐ **2.3 Budget Breakdown for each PH-Assisted Activity:** Provide a budget breakdown for each activity for which PH funds are being sought for this site. Provide the level of detail described in Item 9c.

Permanent Housing (PH)
Part 3

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Budget for Operations and Services

OMB Approval No 2506-0000

A. Name of Project Sponsor :

B. Designated State Agency

C. Mark the Box if the Project is an ☐ Expansion of an Existing Facility or Service

Resources (a)	Year 1 (b)	Year 2 (c)	Total (cols. b & c) (d)
1 a. PH Grant for Operations			
b. PH Grant for Supportive Services			
2. Other Federal Funds			
3. a. Documented Non-Federal Cash Contributions			
b. Documented In-Kind Contributions			
4. a. Total Documented Resources (lines 1a thru 3b)			
b. Other Anticipated Resources			
c. **Total Resources**			
Line Item Expenses			
5. Rent			
6. Maintenance/Repair			
7. Security			
8. Utilities/Fuels			
9. Furnishings / Equipment			
10. Staff Salaries(attributable to project)			
11. Other Operating Expenses			
12. Total Operating Expenses (lines 5 thru 11)			
13. Supportive Services			
14. **Total Expenses**			
Start Date			
End Date			

form HUD-40083

Instructions for Part 3, Budget for Operations and Services

General: The PH regulations at section 578.210(b)(3)(iii) require each applicant to submit a budget covering a period of two years for operating costs, supportive services costs. This budget is required of each applicant whether or not PH funds are being requested for any of these costs.

If the proposed project includes more than one site, the figures provided on the Part 3 form must cover all operating costs and supportive services costs at all project sites. Applicants are not required to submit a separate Part 3 budget form for each site.

The "Resources" portion of the budget includes all Federal, State, local government and private resources, divided into two categories. The first category is "Documented Resources" which covers those resources for which documentation is submitted supporting the availability of the resources. (Note: The documentation requirements for non-Federal cash and in-kind contributions are described in the instructions to Part 1 of the application under the heading "Documentation to be Submitted to Support the Availability of Non-Federal Contributions.") Only documented resources will be counted in determining whether matching requirements have been met. Documented resources are to be shown on lines 1a through 4a of the budget by year.

The second category is "Other Anticipated Resources" which covers resources expected to be available in the next year to meet expenses but for which documentation has not been submitted supporting the availability of the resources. "Other Anticipated Resources" are to be shown together by year on line 4b. In Year 1 (column b), none of the resources should fall into this category. Rather, all Year 1 resources should be documented.

As described in section 578.115 PH assistance is available to pay up to 50% of the operating and supportive service costs for the first year and up to 25% of the costs for the second year.

Item A. Name of Project Sponsor: Enter the name of the project sponsor. This must be the same as the name shown in item B of Part 1 of this application.

Item B. Designated State Agency: Enter the name and address of the State agency primarily responsible for the provision of services to handicapped persons that will assist the applicant in meeting the State's responsibilities under 24 CFR 578, Permanent Housing for Handicapped Homeless Persons.

Item C. Expansion of Existing Facility or Service: If the project involves the expansion of an existing facility or service, check the box and submit as an attachment a description of how the expansion meets one or more of the following criteria, as described in more detail in section 578.125(a):

- A substantial increase in the number of homeless persons for whom housing will be provided;
- A substantial increase in the level of supportive services to be provided;
- A substantial change in the use of existing facilities for the homeless.

Line 1a. PH Grant for Operations: PH grants for operating costs may cover a period of up to two years. In columns (b) & (c), enter the amounts of PH funds requested for the operation of the permanent housing for each year, and enter the total for the two years in column (d). The amount entered in column (d) must equal the amount shown in Part 1 of this application on line 6, column (c).

Line 1b. PH Grant for Supportive Services: PH grants for supportive services for residents of permanent housing may cover a period of up to two years. In columns (b) & (c), enter the amounts of PH funds requested for supportive services to be provided each year, and enter the total for the two years in column (d). The amount entered in column (d) must equal the amount shown in Part 1 of this application on line 7, column (c).

Note: The amounts entered on lines 1a and 1b may not exceed 50% of the sum of the expenses shown on line 14 for year one and 25% of the sum of the expenses shown on line 14 for year two.

Line 2. Other Federal Funds: In columns (b) & (c), enter the amounts of committed Federal funds, other than the amounts of PH funds shown on lines 1a & 1b that will be used in meeting the costs of operations and supportive services each year and enter the total for the two years in column (d). (Note: Funds from Community Development Block Grants and Community Services Block Grants are not considered to be Federal funds; they may be included as non-Federal cash contributions on line 3a, below.) Attach a list showing the sources and amounts of "Other Federal Funds" and indicating which of the activities (i.e., operations or supportive services) each of the contributions supports. Also provide evidence substantiating each commitment.

Line 3a. Documented Non-Federal Cash Contributions: In columns (b) & (c), enter the amounts of cash contributions, other than Federal cash contributions shown on lines 1a-2, that will be used in meeting the costs of operations and/or supportive services, and enter the total for the two years in column (d). Only include contributions to the extent that documentation is submitted supporting the availability of such contributions. Attach a list showing the sources and amounts of non-Federal cash contributions and indicating which of the activities (i.e., operations or supportive services) each of the contributions supports. Also provide documentation supporting the availability of such contributions. The documentation requirements for non-Federal cash contributions are described in the instructions to Part 1 of this application.

Line 3b. Documented In-Kind Contributions: In columns (b) & (c), enter the value of in-kind contributions that will be used in meeting the costs of operations and/or supportive services each year, and enter the total for the two years in column (d). Only include in-kind contributions to the extent that documentation is submitted supporting the availability of such contributions. Attach a list showing the value of the material, time and services to be contributed each year and indicating which of the activities (operations and/or supportive services) each of the contributions supports. Also provide documentation supporting the availability of such contributions. The documentation requirements for non-Federal in-kind contributions are described in the instructions to Part 1 of this application.

Line 4a. Total Documented Resources: For each year, enter the sum of lines 1a through 3b.

Line 4b. Other Anticipated Resources: For year two, enter the amount of anticipated resources that do not meet the documentation standards referenced above. (For year one, all resources shown must meet the documentation standards.) Also for year two, enclose a list showing the anticipated sources and amounts of these resources.

Line 4c. Total Resources: For each year, enter the sum of lines 4a and 4b.

Lines 5-13. Line Item Expenses: For each year, enter the estimated expenses by appropriate line item for operating costs and supportive services regardless of whether PH funds will be used to pay such costs. The line item expenses must include all estimated costs (i.e., both those to be met through actual outlays and those to be met through in-kind contributions).

If a PH grant for operating expenses is being requested, the budget must be accompanied by a brief description of each line item expense for lines 5-11, including a breakdown of the individual costs that comprise each of the line item expenses.

Line 10. Staff Salaries: Covers the salaries of staff who operate the permanent housing, but does not include the salaries of supporting service providers, which should be included on line 13. If necessary, prorate a salary between lines 10 and 13.

Line 11. Other Operating Expenses: Covers any administrative cost (other than staff salaries covered in line 10) involved in operating the permanent housing. It also covers any relocation assistance to displaced persons. See section 578.315. If displacement or temporary relocation is required, submit information identifying the agency that will provide payments and services, and provide the basis for the cost estimate, by person. Line 11 does not include expenses of administering the PH advance or grant, such as audit expenses, which should be entered only on line 9 of Part 1 of this application.

Line 12. Total Operating Expenses: For each year, enter the sum of lines 5 through 11.

Line 13. Supportive Services: Enter the amounts representing all supportive services included in the project and provide on a separate sheet the name and budget amount of each such service. If PH funds will be used for any such services, identify which services, the PH amount, and provide a cost breakdown, including the salaries of the providers, by position.

Line 14. Total Expenses: For each year, enter the total of lines 12 & 13. The amount entered for Total Expenses must equal the amount entered for Total Resources on line 4c for each corresponding year. The amount entered on line 14, column (d) must equal the sum of the amounts entered in Part 1, column (b), lines 6 & 7.

Start Date / End Date: In the spaces provided, enter the anticipated start and end dates of the first operating year. The start date for the first operating year is the date that the permanent housing is initially occupied by a homeless person for whom PH assistance is provided. If the PH assistance is used to substantially expand services for homeless persons, the start date for the first operating year is the date that expanded services are expected to be first provided to residents of the permanent housing.

Checklist: The required information described in these Part 3 instructions should be enclosed behind the Part 3 form in the order it is described. Label each enclosure. To ensure that the necessary information is submitted, place check marks in the boxes below when the information is assembled in order and enclosed behind the form. Where a listed item does not apply, write "NA" in the box. See Part 3 instructions for more detailed descriptions of these items

☐ **3.1 Expansion of an Existing Facility or Service:** If PH assistance is being requested to expand an existing facility or service, provide a description of how the expansion meets one or more of the criteria described in section 578.125(a) of the PH regulations.

☐ **3.2 Other Federal Funds:** List the sources, amounts and use of "Other Federal Funds" that are committed for use in meeting the costs of operations and/or supportive services. Also provide evidence substantiating each commitment.

☐ **3.3 Non-Federal Cash Contributions:** List the sources, amounts and use of "Non-Federal Cash Contributions" that will be used in meeting the costs of operations and/or supportive services. Also provide evidence substantiating each commitment.

☐ **3.4 In-Kind Contributions:** List the value and use of the material, time and services that will be contributed toward meeting the costs of operations and/or supportive services. Also provide evidence substantiating each commitment.

☐ **3.5 Other Anticipated Resources:** List the sources and amounts of anticipated resources that do not meet the documentation standards described in Part 1 of this application.

☐ **3.6 Operating Expenses:** If PH funds are being requested for operating expenses, provide a brief description of each line item expense for lines 5-11, including a breakdown of the individual costs that comprise each of the line item expenses.

☐ **3.7 Supportive Service Expenses:** Provide a listing of the name and budget amount for each supportive service included in the project. If PH funds will be used for the service, identify the service, indicate the PH amount, and provide a cost breakdown, including the salaries of the providers.

Permanent Housing (PH)
Part 4
Ranking Information

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0000

Name of Applicant

Instructions: Attach sheets to this form providing the required information in the order it is described on this form. Label each attachment. After the information is assembled in order and attached to this form, place check marks in the boxes which appear below.

Points: Each proposal will be assigned points and placed in rank order by HUD based upon the information in this application, including the information requested below. (Reference: section 578.215) A proposal can receive a maximum of 1000 points. (See the Notice of Funds Availability for the point distribution.)

4.1. Project Sponsor Capacity: HUD will consider the project sponsor's capacity to carry out activities and programs relating to the homeless.

☐ **The information on project sponsor capacity requested below is attached in the order requested.**

Provide the following information, as applicable:

a. The nature and extent of the experience of the director or project manager (responsible for implementing this proposal) in the development and operation of homeless facilities. Provide relevant educational background, work experience, including length of work experience, the breadth and scope of duties and responsibilities, size of facilities (e.g., the numbers of persons served, budget size, number of staff supervised and the number of programs or program elements).

b. The experience of the project sponsor's Board of Directors, staff and volunteers in the administration, management and operations of a homeless facility. Describe the particular skills or services provided by board members, staff and volunteers to the facility.

c. The name and address of supportive services providers. For each service provider listed, describe the provider's experience and capacity in administration, management, and operations of the type of supportive service that will be provided. State whether there will be any full- or part-time residential supervisor to provide or supervise the provision of supportive services to residents. Reference: section 578.210(b)(1)

4.2. Innovation: HUD will consider the innovative quality of the proposal in providing permanent housing and supportive services for handicapped homeless persons.

☐ **The information on innovation requested below is attached in the order requested.**

Provide:

a. A description of the aspects of the proposal that are innovative; and

b. An explanation of how this innovation will achieve the goal of maximizing each handicapped homeless person's ability to live independently in the permanent housing environment.

4.3. Need for Permanent Housing: HUD will award points based on the extent to which this proposal specifically addresses an unmet need for the proposed permanent housing.

☐ **The information on need requested below is attached in the order requested.**

Provide:

a. A description of the need for the type of housing and supportive services being proposed. The description should include an estimate of the number of homeless who need the proposed type of housing and supportive services, the number who are now receiving the proposed type of housing and supportive services, and the basis or source used for making these estimates, e.g., the Comprehensive Homeless Assistance Plan (CHAP) or other surveys;

b. A description of how the proposal relates to serving the unmet need for housing and supportive services; and

c. The method (e.g., outreach, referrals, existing shelter network) for selecting residents for the housing and services.

4.4. Delivery of Supportive Services: HUD will award points based on the quality and comprehensiveness of supportive services. In assessing quality and comprehensiveness, HUD will look at the extent to which supportive services meet residents' unmet needs, relate to the goal of maximizing the ability of residents to live more independently within the permanent housing environment, and are coordinated with or use other appropriate services.

☐ **The information on supportive services requested below is attached in the order requested.**

Describe:

a. The processes used to evaluate residents' unmet needs for the supportive services and to ensure that residents receive the appropriate supportive services toward the goal of maximizing their ability to live more independently within the permanent housing environment;

b. The supportive services and how they relate to the unmet needs of the residents and the goal of maximizing residents' ability to live more independently within the permanent housing. Factors indicating that ability may include: variety and flexibility of supportive services; resident activities outside the facility; and, if appropriate, employment assistance programs;

c. The extent to which the services residents receive are comprehensive; and

d. The extent to which existing services available in the state and/or locality are utilized and the system used for coordinating with those services.

4.5. Excess Matching: HUD will consider the extent to which the applicant will exceed the required match. (The matching requirements are described in section 578.130 of the regulations.)

HUD will utilize the information provided in other parts of this application form to determine the extent of the match beyond that required.

4.6. Cost Effectiveness: HUD will consider the extent to which the proposed costs in acquiring or rehabilitating housing and in operating a facility and providing services (as defined in this proposal) are (a) reasonable in relation to the rehabilitation to be performed, the property to be acquired, and the services to be provided and (b) effective in accomplishing the purposes of the proposal.

In assigning points for cost effectiveness, HUD will evaluate the information submitted in this application which relates to cost effectiveness. In addition, if this proposal requests acquisition and/or rehabilitation assistance, HUD will consider the timeliness of the proposal based upon the completion of specific milestones.

☐ **The information on milestones requested below is attached. [If the proposal does not request Permanent Housing assistance for acquisition or rehabilitation, write "NA" (not applicable) in the box.]**

Submit the following information showing the number of days from the award until each of these milestones will occur:

a. Closing on the purchase of the structure or executing a lease for the facility;

b. Rehabilitation started;

c. Rehabilitation completed;

d. Initial occupancy (include phases); and

e. Supportive services start date.

4.7. **Project Quality:** HUD will consider the extent to which the design of the proposed project will meet the needs of handicapped homeless persons in the State.

☐ **The information on project quality requested below is attached in the order requested.**

Describe how the project has been designed to:

a. Provide a safe and sanitary environment that will match the physical needs of the residents; and

b. Meet daily living (e.g., social, recreational, privacy, etc.) needs of residents.

4.8 **Site Control:** HUD will consider the extent to which the applicant or project sponsor has control of the site for the proposed project.

☐ **The information on site control requested below is attached, as applicable. One or more of the items may not apply to your proposal.** For each structure proposed for Permanent Housing assistance (acquisition, rehabilitation, new construction, operating costs, supportive services), submit evidence, as applicable:

a. If the site is under the control of the applicant or project sponsor, submit one of the following forms of documentation: (1) deed or other proof of ownership, (2) executed contract of sale, (3) lease agreement, or (4) option agreement to purchase or lease [option must, at a minimum, be for a six month period].

If the structure to be used for housing is a leased structure, submit a description of how the applicant or project sponsor will ensure that the facility will be operated as a facility for the homeless for not less than ten years from the date of initial occupancy.

b. If the site is to be acquired from a public body, submit evidence that the public body (1) possesses clear title or an option to purchase or lease and (2) has entered into a legally binding written agreement to convey the site to the applicant or project sponsor upon its notification of funding under the program.

c. If the site is to be acquired by the public body through the eminent domain process (action must be completed within a year of the date of application), submit (1) evidence that the unit of government is prepared to use its authority of eminent domain and (2) a copy of the land disposition agreement or a resolution from the public body conveying, or committing to convey, site control to the applicant or project sponsor.

d. If the site is under negotiation,

Either submit a certification [see example below] indicating (1) the name of the party with whom the site control is being negotiated, (2) the address (street, city, state) of the site under negotiation, and (3) that site control is expected no later than six months after notification of award;

Or submit other evidence documenting that site control will be achieved and the date by which site control will be achieved. Reference: section 578.210(b)(11).

Example: Recommended form of certification

(Applicant or Project Sponsor) certifies that it is currently engaged in negotiations with (name and address of owner, realtor, etc.) for the purpose of gaining control of the site(s) at (address of site). We expect site control to be achieved by (date , no later than 6 months after notification of grant award).

(Signature, title, & date)

4.9 **Neighborhood Integration:** HUD will consider the extent to which the proposed project is integrated into the neighborhood in which it is, or is proposed to be, located.

☐ **The information on neighborhood integration requested below is attached in the order requested.**

Describe:

a. Neighborhood participation in the establishment or on-going operation of the facility;

b. How the project seeks to integrate its residents positively into the life of the surrounding neighborhood; and

c. How the facility's design is compatible (e.g., size, location on the site, exterior appearance) with its surrounding neighborhood.

Permanent Housing (PH)
Part 5
Additional Documentation

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0000

Name of Applicant

Instructions: Attach sheets to this form providing the required information in the order it is described on this form. Label each attachment. To ensure that the necessary information is submitted, place check marks in the boxes which appear below when the information is assembled in order and attached to this form.

☐ **5.1. Certification of Consistency with Comprehensive Homeless Assistance Plan:** All applicants are required to submit the following special certification from the appropriate State official:

I, (name and title), authorized to act on behalf of the (State), do certify that the activities proposed by (name of applicant and project sponsor) are consistent with the Comprehensive Homeless Assistance Plan submitted by the (State) on (date), having addressed the need for assistance and the manner in which such assistance will enhance and complement available services as referenced in such a plan.

(Signature, title & date)

Reference: section 578.210(b)(7).

☐ **5.2. Evidence of Consistency with Local Plans:** Submit a written statement, on official stationery, from the unit of general local government in which the project is proposed to be located indicating that the proposed uses of the structure and the site are not inconsistent with any plan of the local government which may have an effect on the use of the structure or the site.

Alternatively, if a written statement has not been provided, submit evidence demonstrating that a written request was made to the unit of local government for the statement and the statement has not been received within 30 days after the request. Reference: section 578.210(b)(12).

☐ **5.3. Evidence of Permissive Zoning: Submit one of the following forms of evidence for each site:**

a. A written statement from the unit of general local government in which the project is proposed to be located that the proposed use of the site (give the property address) is permissible under applicable zoning, ordinances and regulations; or

b. A written statement from the applicant describing the proposed actions necessary to make the use of the site (give the property address) permissible under applicable zoning ordinances and regulations, with evidence that there is a reasonable basis to believe that the proposed zoning actions will be completed successfully and within four months following submission of the application. Reference: section 578.210(b)(13).

☐ **5.4. Letter of Participation:** Submit a letter of participation from an authorized official of the applicant State containing assurances that the State will promptly transmit assistance to the project sponsor and will facilitate the provision of necessary supportive services to the residents of the project.

U.S. Department of Housing and Urban Development
Office of Community Planning and Develooment
CCSD rm. 7270
Washington, DC 20410-7000

[FR Doc. 90-6559 Filed 3-21-90; 8:45 am]
BILLING CODE 4210-01-C

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Citizens Advisory Committee for the San Joaquin Valley Drainage Program, California; Meeting

AGENCY: Interior.

ACTION: Notice.

SUMMARY: The Citizens Advisory Committee for the San Joaquin Valley Drainage Program will meet on Wednesday, April 18, 1990, at the Conference Center, Harris Ranch Inn, Coalinga, California, at 10 a.m.

The meeting is open to the public. Persons wishing to address the Committee will be allowed five minutes to present their statement.

The facilities and rooms where the meeting will be held are accessible to the handicapped. Hearing-impaired, visual-impaired, or mobility-impaired persons planning to attend may arrange for special assistance by calling Curtis Smith at 916–978–4911.

FOR FURTHER INFORMATION CONTACT: A copy of the agenda for the meeting may be acquired from: Edgar A. Imhoff, Program Manager, San Joaquin Valley Drainage Program, 2800 Cottage Way, Room W–2143, Sacramento, California 95825–1898, Phone: 916–978–4983 (FTS 460–4983).

Telephone inquires may also be made to Carroll Hamon or Robert Horton at 916–978–4982 (FTS 460–4982).

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended to December 12, 1980.

Dated: March 12, 1990.

Edgar A. Imhoff,

Program Manager, San Joaquin Valley Drainage Program.

[FR Doc. 90–6571 Filed 3–21–90; 8:45 am]

BILLING CODE 4310–09–M

Bureau of Land Management

[AA–310–00–4230–2410]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Office at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0028), Washington, DC., 20503, telephone 202–395–7340.

Title: Native Indian or Eskimo of Alaska Trustee Deed Application, 43 CFR 2564.

OMB approval number: (1004–0028).

Abstract: Native individuals, use the Native Indian or Eskimo of Alaska Trustee Deed Application to obtain title to Alaska Townsites (43 U.S.C. 733) from the Alaska Townsite Trustee. Applications are filed on each of the 29 townsites in rural communities. Indian or Eskimo occupants in Alaska are the principal applicants for townlot deeds using this application.

Bureau form number: AK 2560–6.

Frequency: On Occasion.

Description of respondents: Native individuals living in Alaska towns or villages.

Estimated completion time: 30 minutes.

Annual responses: 75.

Annual burden hours: 37.5.

Bureau Clearance Officer: Alternate: Gerri Jenkins 202–653–8853.

Dated: February 6, 1990.

Michael J. Penfold,

Assistant Director, Land and Renewable Resources.

[FR Doc. 90–6532 Filed 3–21–90; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Land Management; Alaska

[AK–964–4230–15; F–21901–04]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611(c), will be issued to Doyon, Limited for approximately 17,094.00 acres. The lands involved are in the vicinity of Eagle, Alaska.

Certain lands within:

T. 2 N., R. 26 E., Fairbanks Meridian, Alaska (Unsurveyed)

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the decisions may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until April 23, 1990 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Mary M. Bone,

Supervisor, Fairbanks Section, Branch of Doyon/Northwest Adjudication.

[FR Doc. 90–6524 Filed 3–21–90; 8:45 am]

BILLING CODE 4310–JA–M

[CO–920–00–4120–14; COC 49465]

Coal Lease Offering By Sealed Bid; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that certain coal resources in the lands hereinafter described in La Plata County, Colorado, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease will be held at 11 a.m., Friday, April 27, 1990. Sealed bids must be submitted not later than 10 a.m., Friday, April 27, 1990.

ADDRESSES: The lease sale will be held in the West Conference Room, Fourth Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado. Sealed bids must be submitted to the Cashier, First Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Alexa Watson at (303) 236–1768.

SUPPLEMENTARY INFORMATION: The tract will be leased to the qualified bidder submitting the highest offer, provided that the high bid meets the fair market value determination of the coal resource. The minimum bid for this tract is $100 per acre or fraction thereof. No bid less than $100 per acre or fraction

thereof will be considered. The minimum bid is not intended to represent fair market value.

Sealed bids received after the time specified above will not be considered.

In the event identical high sealed bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

Fair market value will be determined by the authorized officer after the sale.

Coal Offered: The coal resource to be offered is limited to coal recoverable by underground mining methods from the Upper Menefee (coal bed 1) in the following lands located near Hesperus, Colorado:

New Mexico Principal Meridian

T. 35 N., R. 11 W.,
Sec. 31, lot 4, SW¼NE¼, SE¼SW¼, and W½SE¼.

The land described contains 193.08 acres.

Total recoverable reserves are estimated to be 1,008,000 tons. The Upper Menefee (coal bed 1) underground mineable coal is ranked as high volatile B bituminous coal with an estimated coal quality average on an as-received basis of 13,000 Btu/lb., 5 percent moisture, 0.75 percent sulfur, 7 percent ash, 49 percent fixed carbon, and 40 percent volatile matter.

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 8 percent of the value of coal mined by underground methods. The value of the coal will be determined in accordance with 30 CFR part 206.

Notice of Availability: Bidding instructions for the offered tract are included in the Detailed Statement of Coal Lease Sale. Copies of the statement and the proposed coal lease are available upon request in person or by mail from the Colorado State Office at the address given above. The case file is available for inspection in the Public Room, Colorado State Office, during normal business hours at the address given above.

Dated: March 16, 1990.

Richard D. Tate,

Chief, Mining Law and Solid Minerals Adjudication Section.

[FR Doc. 90-6564 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-JB-M

[NM-010-4320-12/GPO-0108]

Albuquerque District, NM; District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Albuquerque District Grazing Advisory Board Meeting.

SUMMARY: The BLM's Albuquerque District Grazing Advisory Board will meet on Wednesday, April 25, 1990, at 10 a.m. in the Del Prado Cafe located on Highway 44 in Cuba, New Mexico. The agenda for the meeting will include the following:

Introductory Remarks.

Approval of the Minutes.

Big Game Transplant Wrap Up.

8100 Expenditures by Area.

Riparian Update and Video "I Belong to the Land".

Sikes Act Update.

FY 91 Project Review and Tentative Ranking.

Public Comment (1 p.m.).

Drought Policy Update.

Non Point Source Pollution Status Report.

Dated: March 14, 1990.

Robert T. Dale,

District Manager.

[FR Doc. 90-6566 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-FB-M

[OR-00-010-4320-02: GPO-155]

Lakeview District Grazing Advisory Board Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of a change of meeting date for the Lakeview District Grazing Advisory Board.

SUMMARY: The Lakeview District Grazing Advisory Board Meeting date has been changed from March 22, 1990 to April 2, 1990. The meeting will begin at 10 a.m. in the conference room of the Lakeview District Office at 1000 South Ninth Street, Lakeview, OR 97630.

FOR FURTHER INFORMATION CONTACT: Renee Snyder, Public Affairs Officer, Bureau of Land Management, 1000 South Ninth Street, Lakeview, OR 97630, (503) 947-6110.

Terry H. Sodorff,

Acting District Manager, Lakeview.

[FR Doc. 90-6530 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-33-M

[CO-920-90-4111-15; COC41916]

Colorado; Proposed Reinstatement

Notice is hereby given that a petition for reinstatement of oil and gas lease COC41916 for lands in Garfield County, Colorado, was timely filed and was accompanied by all the required rentals and royalties accruing from January 1, 1990, the date of termination.

The lessee has agreed to new lease terms for rentals and royalties at rates of $5 and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee for the lease and has reimbursed the Bureau of Land Management for the estimated cost of this **Federal Register** notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920, as amended, (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease effective January 1, 1990, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Joan Gilbert of the Colorado State Office at (303) 2365-1772.

Mary Patricia Nagel,

Acting Chief, Fluid Minerals Adjudication Section.

[FR Doc. 90-6537 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-JB

[ID-943-90-4212-13; IDI-26430, et al]

Order Providing for Opening of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening Order.

SUMMARY: This order opens lands received in a private exchange to the land, mining and mineral leasing laws.

EFFECTIVE DATE: April 18, 1990.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334-1720.

1. In an exchange made under the provisions of section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following described lands have been reconveyed to the United States:

Boise Meridian

T. 15 S., R. 16 E.,
Sec. 5, lot 4, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 6, lot 1 and SE¼NE¼;
Sec. 8, NW¼, E½SW¼, and W½E½;
Sec. 18, SE¼SE¼;

Sec. 19, NE¼ and E½SE¼;
Sec. 20, SW¼NW¼.
T. 16 S., R. 17 E.,
Sec. 3, S½SE¼;
Sec. 10, E½;
Sec. 11, S½NW¼ and N½SW¼;
Sec. 15, E½;
Sec. 22, NE¼ and N½SE¼
T. 16 S., R. 21 E.,
Sec. 25, SW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 26, SE¼NE¼.
T. 16 S., R. 22 E.,
Sec. 31, lot 1, W½NE¼, and NE¼NW¼.

The areas described aggregate 2,566.90 acres in Cassia and Twin Falls Counties.

2. At 9 a.m. on April 18, 1990, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on April 18, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on April 18, 1990, the lands described in paragraph 1, except for the lands described in paragraph 4, will be opened to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. The following-described lands will remain closed to the mining and mineral leasing laws:

Boise Meridian

T. 16 S., R. 17 E.,
Sec. 3, S½SE¼;
Sec. 10, E½;
Sec. 11, S½NW¼ and N½SW¼;
Sec. 15, E½;
Sec. 22, NE¼ and N½SE¼.

The area described contains 1,120.00 acres in Twin Falls County.

Dated: March 12, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-6469 Filed 3-21-90; 8:45 am]

BILLING CODE 43 '0-GG-M

[AZ-050-0-4212-11; A-24256]

Arizona: Mohave County, Realty Action, Lease of Lands

AGENCY: Bureau of Land Management.

ACTION: Notice of realty action—lease of lands, Mohave County, Arizona.

SUMMARY: The following described lands and interests therein have been examined and found suitable for classification and lease under the provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.) and the regulations established by 43 CFR 2740 and 2910.

Gila and Salt River Meridian, Arizona

T. 20 N., R. 22 W.,
Sec. 20, lot 1, containing 2.07 acres more or less.

The Bullhead City Fire Department has applied to lease the above described lands for an existing fire station. This Recreation and Public Purposes lease will supersede an existing sublease issued under Bureau of Reclamation authority.

The land is not required for any Federal purpose. The classification and subsequent lease are consistent with the Bureau's planning for the area.

Subject to all valid existing rights, the lands are hereby segregated from appropriations under any other public land law, including location under the mining laws. This segregation will terminate upon issuance of a lease, publication of a Notice of Termination, or 18 months from the date of this publication, whichever occurs first.

DATES: On or before May 7, 1990, interested parties may submit comments to the District Manager, 3150 Winsor Avenue, Yuma, Arizona 85365. Any objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior, effective 60 days from the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mike Ford, Area Manager, Havasu Resource Area, Bureau of Land Management, 3189 Sweetwater Avenue, Lake Navasu City, Arizona 86403, 602-855-8017.

Dated: March 14, 1990.

Herman L. Kast,

District Manager.

[FR Doc. 90-6538 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-22-M

[CO-050-4212-14]

Realty Action; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action COC-51069 and COC-51078, direct sale of public land and conveyance of mineral interest in Chaffee County, Colorado.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1701, 1713) at no less than the appraised fair market value, plus publication cost. The direct sale COC-51069 will resolve an occupancy trespass by Mrs. Beverly Andersen on the following public land:

Sixth Principal Meridian

T. 11 S., R. 79 W., Sec. 31, lot 79; containing 0.15 acres more or less.

The County of Chaffee has requested a direct sale COC-51078 for the purpose of acquiring land for public purposes, specifically, landfill expansion. The proposal is to include conveyance of mineral interest in the sale. The sale will be completed subject to valid existing rights. The following public land is involved:

New Mexico Principal Meridian

T. 51 N., R. 8 E., Sec. 21, N½NE¼, SE¼NE¼ containing 120 acres in Chaffee County.

The land is hereby segregated from appropriation under the public land laws, including the mining laws, pending decision and action on the sale proposal for 2 years or until patent is issued.

DATES: Comment period is on or before May 7, 1990.

ADDRESSES: Bureau of Land Management, Royal Gorge Resource Area, P.O. Box 2200, Canon City, CO 81215-2200.

FOR FURTHER INFORMATION CONTACT: Mark Pyle, 719-275-0631.

SUPPLEMENTARY INFORMATION: Comments will be evaluated by the District Manager, who may cancel or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become final.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 90-6473 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-JB-M

[CO-050-4212-11]

Realty Action; Colorado

AGENCY: Bureau of Land Management Interior.

ACTION: Notice of realty action, Classification of Public Land under the Recreation and Public Purposes Act, Application for Patent C-49781.

SUMMARY: The following public land has been determined suitable for classification under the Recreation and Public Purposes Act (R&PP) of July 14, 1926, as amended, 43 USC *et seq.*

Sixth Principal Meridian, Colorado.

T. 5S., R. 73 W., Section 13, SE¼NW¼, containing 40 acres.

The State of Colorado, Division of Wildlife has applied for this land to be added to the Mount Evans Wildlife Area. Publication of this classification notice segregates the land from the other public land laws, including mining laws, until patent issues or the classification is cancelled.

DATES: Comments may be submitted on or before May 7, 1990.

ADDRESSES: Comments should be sent to the District Manager, Canon City District Office, P.O. Box 2200, Canon City, Colorado 81215-2200, phone (719) 275-0631.

FOR FURTHER INFORMATION CONTACT: Priscilla McLain, Northeast Resource Area Office, (303) 236-4399.

SUPPLEMENTARY INFORMATION: Comments will be evaluated by the District Manager, who may cancel or modify this realty action. In the absence of any action by the District Manager, this realty action will become final.

Donnie R. Sparks,

District Manager.

[FR Doc. 90-6562 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-JB-M

[ID-943-90-4212-13; IDI-26430, et al]

Issuance of Land Exchange Conveyance Documents; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Exchange of Public and Private Lands.

SUMMARY: The United States has issued exchange conveyance documents to the following individuals for the following-described lands under section 206 of the Federal Land Policy and Management Act of 1976:

Boise Meridian

Harry S. Rinker, Rodrick H. Rinker, and Kenneth C. Rinker, Twin Falls, Idaho 83301:

T. 2 S., R. 21 E.,
sec. 7, NE¼NE¼ and NE¼SE¼;
sec. 8, W½W½NW¼ and W½NW¼ SW¼.

Mark D. Baker and Diane Baker, Rupert, Idaho 83350:

T. 8 S., R. 26 E.,
sec. 9, W½E½SW¼.

Ralph F. Schnell and Hazel A. Schnell, Rogerson, Idaho 83302:

T. 14 S., R. 15 E.,
sec. 13, SE¼NE¼, NW¼ and S½;
sec. 14, SE¼SE¼;
sec. 24, E½ and E½W½;
sec. 25;
sec. 26, E½NE¼ and S½NW¼;
sec. 35, E½E½.

T. 15 S., R. 15 E.,
sec. 2, lot 1, NE¼SE¼ and SE¼NE¼.

T. 14 S., R. 16 E.,
sec. 18, lot 7, W½SE¼ and E½SW¼;
sec. 19, lots 1 to 4, inclusive, and E½W½;
sec. 20, SW¼;
sec. 29, NW¼;
sec. 30, lot 1, N½NE¼ and NE¼NW¼.

T. 15 S., R. 16 E.,
sec. 3, lot 1, SE¼NE¼, SE¼NW¼, NE¼ SW¼, E½SE¼ and NW¼SE¼;
sec. 4, lots 1 and 2 and S½SE¼;
sec. 10, E½NE¼;
sec. 17, SW¼NE¼, W½SE¼ and SE¼ SE¼;
sec. 20, NE¼;
sec. 21, W½SE¼;
sec. 22, S½SW¼ and NE¼SE¼;
sec. 23, W½NW¼;
sec. 27, N½NW¼ and SW¼NW¼;
sec. 28, NE¼SE¼.

Comprising 4,656.83 acres of public lands.

In exchange for these lands, the United States acquired the following-described lands:

Boise Meridian

T. 15 S., R. 16 E.,
sec. 5, lot 4, SW¼NW¼, W½SW¼, and SE¼SW¼;
sec. 6, lot 1 and SE¼NE¼;
sec. 8, NW¼; E½SW¼, and W½E½;
sec. 18, SE¼SE¼;
sec. 19, NE¼ and E½SE¼;
sec. 20, SW¼NW¼.

T. 16 S., R. 17 E.,
sec. 3, S½SE¼;
sec. 10, E½;
sec. 11, S½NW¼ and N½SW¼;
sec. 15, E½;
sec. 22, NE¼ and N½SE¼.

T. 16 S., R. 21 E.,
sec. 25, SW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
sec. 26, SE¼NE¼.

T. 16 S., R. 22 E.,
sec. 31, lot 1, W½NE¼, and NE¼NW¼.

Comprising 2,566.90 acres of private land.

The purpose of the exchange was to acquire non-federal land which has high public value for riparian and wildlife habitat. The public interest was well served through completion of this exchange.

The values of the federal public land and the non-federal land in the exchange were both appraised at $231,800 and $232,000 respectively.

Dated: March 12, 1990.

John Davis,

Deputy State Director for Operations.

[FR Doc. 90-6470 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-GG-M

[ID-060-90-4212-13; I-27425]

Coeur d'Alene District, ID; Exchange of Public Lands

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of Realty Action; Exchange of Public Lands in Bonner County, Idaho.

SUMMARY: This Notice is to advise the public that the Emerald Empire Resource Area, Coeur d'Alene District of the Bureau of Land Management and FLEX Northwest, Inc., are proposing a land exchange. The following described public lands have been determined to be suitable for disposal by exchange section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T.56N., R.1W.,
Sec. 4, Lot 4, SW¼NW¼.
T.56N., R.1E.,
Sec. 6, SE¼NW¼.

The area described above aggregates approximately 116.23(±) acres in Bonner County, Idaho.

In exchange for these lands, the United States will acquire the following described lands from FLEX Northwest, Inc.:

Boise Meridian, Idaho

T.47N., R.1E.,
Sec. 12, E½E½.

The area described above aggregates 160.00 acres in Shoshone County, Idaho.

The purpose of the land exchange is to facilitate more efficient management of the public lands through consolidation of ownership and to benefit the public interest by obtaining important resource values. The public lands to be exchanged are isolated and difficult to manage parcels with limited resource values. The private lands being offered have very important values for timber, watershed and access that merit acquisition for public ownership. The exchange is consistent with the Bureau of Land Management land use plans and the public interest will be well served by making this exchange. Final determination on disposal will await completion of an environmental

analysis, which will be made available to the public.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted to equalize the value upon completion of the final appraisal of the lands. Equalization of values will be achieved through acreage adjustment or cash payment by the proponent, whichever is appropriate.

The exchange will be subject to:

1. All valid existing rights, including any right-of-way, easement, permit or lease of record.

2. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws but not from exchange pursuant to section 206 of the Federal Land Policy and Mangement Act of 1976. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever occurs first.

ADDRESSES: Detailed information concerning the exchange is available for review at the Coeur d'Alene District Office, 1808 North Third Street, Coeur d'Alene, Idaho 83814.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this reality action. In the absense of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: March 13, 1990.

John B. O'Brien III,

Acting District Manager.

[FR Doc. 90-6568 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-GG-M

[NV-930-00-4212-11; N-37119]

Realty Action; Lease/Purchase for Recreation and Public Purposes Clark County, NV

The following described public land in Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register**.

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
sec. 3, Lots 72, 73
Aggregating 10.59 acres (gross)

This parcel of land contains approximately 10.59 acres. The City of Las Vegas intends to use the land for a park site. The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals construted by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County/the City of Las Vegas.

2. Those rights for sewer line purposes which have been granted to Lotman Investments by Permit No. N-51455 under the Act of October 21, 1976.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from that date of publication in the **Federal Register**. This classification supercedes the prior classification of the subject land for public purpose use (April 5, 1983).

Dated: March 12, 1990.

Gary Ryan,

District Manager, Las Vegas, NV.

[FR Doc. 90-6471 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-HC-M

[WY-049-00-4111-09]

Resource Management Plans, etc.; Kemmerer Resource Area, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to review the Kemmerer Resource Management Plan (RMP) for adequacy in meeting the Supplemental Program Guidance for Oil and Gas (BLM manual 1624.2) and Call for Oil and Gas Resource Information for the Bureau of Land Management (BLM) Kemmerer Resource Area, Rock Springs District, Wyoming.

SUMMARY: The BLM Rock Springs District is initiating a planning review of the RMP for the Kemmerer Resource Area. It is possible that the review will result in amendment of the RMP. An environmental assessment (EA) will be prepared as part of the review. The EA will aid in determining whether or not further amendment or revision of the RMP will be necessary and if an environmental impact statement (EIS) must be prepared.

The review will assess the adequacy of the RMP in meeting more current program planning and environmental analysis procedural requirements related to oil and gas leasing (the Supplemental Program Guidance for Oil and Gas) in the Kemmerer Resource Area. The existing RMP will continue to guide management decisions until the review and any needed plan amendment is completed.

This notice also requests any oil and gas resource information and operational or development plans that will help in conducting the review and in analyzing environmental impacts.

DATES: Scoping and issue identification for the planning review will begin in April 1990. The review, the EA, and any needed plan amendments are scheduled for completion by January 1991. Public meetings and other public involvement during the review process will be announced in local media and through mailings to the public and interest

groups who participated in the planning process for the Kemmerer RMP.

ADDRESSES: Documentation of the review process and completed documents will be available at the Kemmerer Resource Area, P.O. Box 632, Kemmerer, Wyoming 83101.

FOR FURTHER INFORMATION CONTACT: If you wish to participate in the planning review or to be placed on the mailing list, contact Darrel Short, Area Manager, Kemmerer Resource Area, at the above address or phone (307) 877–3933.

SUPPLEMENTARY INFORMATION: The Kemmerer Resource Area administers 1,633,000 acres of Federal land surface and 204,000 acres of Federal mineral estate in southwest Wyoming. The entire resource area is open to oil and gas leasing, with the exception of the Raymond Mountain Wilderness Study Area (approximately 33,000 acres). There is one Area of Critical Environmental Concern (ACEC), the Raymond Mountain ACEC, which is within the Raymond Mountain Wilderness Study Area.

The planning review is being conducted to assure compliance with BLM's more recent Supplemental Program Guidance related to the oil and gas program. Some elements of the guidance were not covered in the RMP/EIS because it was completed prior to their issuance.

The EA will re-examine all the alternatives analyzed in the RMP/EIS with regard to the oil and gas Supplemental Program Guidance requirements. Reasonably foreseeable oil and gas development scenarios (RFDs) will be included in the EA to aid in analyzing impacts. The results of the analysis will help determine if an RMP amendment is necessary.

Amendments to the existing RMP are protestable under the planning regulations (43 CFR 1600–1610). If it is decided that there is no need to change the RMP decisions, a Decision Notice and Finding of No Significant Impact (FONSI) will be filed.

Dated: March 9, 1990.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 90-6536 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-22-M

[OR-942-00-4730-12; GPO-160]

Filing of Plats of Survey; Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 37 S., R. 3 W., accepted 3/16/90.
T. 34 S., R. 5 W., accepted 2/9/90.
T. 35 S., R. 5 W., accepted 2/9/90.
T. 28 S., R. 6 W., accepted 2/23/90.
T. 26 S., R. 8 W., accepted 3/16/90.
T. 3 S., R. 9 W., accepted 2/16/90.
T. 39 S., R. 13 W., accepted 2/16/90.
T. 34 S., R. 3 E., accepted 3/16/90.
T. 39 S., R. 22 E., accepted 2/9/90.

Washington

T. 26 N., R. 19 E., accepted 3/9/90.
T. 33 N., R. 15 W., accepted 2/16/90.
T. 26 N., R. 20 E., accepted 2/9/90 (sheets 1 and 2).

If protests against a survey, as shown on any of the above plats, are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plats will be placed in the open files of the Oregon State Office, Bureau of Land Management, 825 NE Multnomah, Portland, Oregon 97208, and will be available to the public as a matter of information only. Copies of the plats may be obtained from the above office upon required payment. A person or party who wishes to potest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 N.E. Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 15, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-6565 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-33-M

[ID-943-90-4214-11; IDI-14893, IDI-4373, IDI-15070, IDI-15079, IDI-15252]

Proposed Continuation of Withdrawals; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that 832.36 acres of public land withdrawn for the Boise River Diversion Dam and the Black Canyon Reservoir projects be continued for the estimated remaining lives of the facilities with which they are associated. The lands are now being used for the storage and transportation of water for irrigation purposes. The lands would remain closed to surface entry and mining, but have been and would remain open to mineral leasing under the proposal.

DATES: Comments should be received on or before June 20, 1990.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208–334–1597.

The Bureau of Reclamation proposes that the existing land withdrawals made by the public land and secretarial orders shown below be continued for the time periods indicated pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The lands are described as follows:

Boise Meridian

(IDI–14893—72 year continuation)

Boise River Diversion Dam

T. 2 N., R. 3 E.,
sec. 3, lots 5 to 12, inclusive;
sec. 4, lots 5 and 6, SW¼NE¼ and NE¼SE¼.

(IDI–4374 et al—97 year continuation)

Black Canyon Dam

T. 5 N., R. 3 W.,
sec. 2, W½NE¼SW¼ and SW¼SW¼;
sec. 8, SE¼SE¼SW¼;
sec. 12, NW¼SE¼NW¼;
sec. 27, NE¼NE¼.
T. 6 N., R. 3 W.,
sec. 5, N½SW¼NE¼;
sec. 15, SW¼NW¼ and NW¼SW¼;
sec. 22, W½SE¼SW¼;
sec. 26, SW¼SW¼ and E½SW¼.
T. 6 N., R. 4 W.,
sec. 2, lot 1;
sec. 12, E½NE¼.
T. 6 N., R. 5 W.,
sec. 22, lot 2;
sec. 35, SE¼SE¼SE¼.
T. 7 N., R. 5 W.,
sec. 25, NW¼SW¼SW¼;
sec. 34, NW¼NW¼NW¼NW¼ and NW¼SW¼NW¼NW¼NW¼;

The areas described aggregate 832.36 acres in Ada, Canyon, Gem, and Payette Counties.

The withdrawals are essential for continued protection of the sites for the storage and transportation of irrigation water. The withdrawals closed the land to surface entry and mining, but not to mineral leasing. No changes in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued; and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: March 13, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-6533 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-GG-M

[OR-943-00-4214-10; GPO-162; OR-45928]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw 99.78 acres of National Forest System lands for protection of the Panelli Seed Orchard and Quartz Evaluation Plantation in the Fremont National Forest. This notice closes the lands for up to 2 years from location and entry under the United States mining laws.

DATES: Comments and requests for public meeting must be received by June 20, 1990.

ADDRESSES: Comments and meeting requests should be sent to the Oregon State Director, BLM, P.O. Box 2965, Portland Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2695, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: On March 13, 1990, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest Systems lands from location and entry under the mining laws, subject to valid existing rights:

Willamette Meridian

Fremont National Forest

T. 37 S., R. 15 E.,
Sec. 24, NE¼SE¼.

T. 37 S., R. 16 E.,
Sec. 19, W½ of lot 3;
Sec. 28, SE¼NE¼.

The areas described aggregate 99.78 acres in Klamath and Lake Counties, Oregon.

The purpose of the proposed withdrawal is to protect the genetic tree improvement operations associated with the Panelli Seed Orchard and Quartz Evaluation Plantation located generally 25 miles northwest of Lakeview, Oregon.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior that date. All temporary uses are permitted during this segregative period with the exception of the disposal of the mineral resources under the mining laws.

The temporary segregation of the lands in connection with this withdrawal application shall not affect the administrative jursidiction over the lands.

Dated: March 15, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-6567 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-00-4214-11; GPO-157; ORE-03586, et al.]

Proposed Continuation of Withdrawals, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that all or portions of seven separate land withdrawals continue for an additional 20 years and requests that the lands involved remain closed to mining, and, where closed, opened to surface entry.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

The Forest Service proposes that the following identified land withdrawals be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described lands and projects are involved:

Wallowa-Whitman National Forest

1. ORE-03102-D, Public Land Order No. 990 dated August 11, 1954. Two Color Administrative Site, 20 acres. Located in T. 6 S., R. 43 E., W.M., Sec. 15, Baker County, approximately 27 miles northeast of Baker.

Moss Springs Forest Camp, 20 acres. Located in T. 3 S., R. 41 E., W.M., Sec. 27, Union County, approximately 22 miles south of Enterprise.

2. ORE-017791, Public Land Order No. 4145 dated January 3, 1967. West Eagle Meadow Campground, 20 acres. Located in T. 5 S., R. 43 E., W.M., Sec. 32, Union County, approximately 29 miles northeast of Baker.

3. OR-6929, Public Land Order 5005 dated January 26, 1971. Union Creek Campground Water System, 80 acres. Located in T. 10 S., R. 38 E., W.M., Sec. 14, Baker County, approximately 10 miles southeast of Baker.

4. ORE-03586 Public Land Order 1112 dated April 5, 1955. Lily White Administrative Site, 22.79 acres. Located in T. 7 S., R. 44 E., W.M., Secs. 7 and 18, Baker County, approximately 26 miles northeast of Baker.

Ochoco National Forest

Ochoco Ranger Station Administrative Site, 110 acres. Located in T. 13 S., R. 19 E., W.M., Secs. 34 and 35, Crook County, approximately 21 miles east of Prineville.

5. OR-21581 Secretarial Order dated May 27, 1908. Ochoco Administrative Site, 120

acres. Located in T. 13 S., R. 19 E., W.M., Secs. 34 and 35, Crook County, approximately 21 miles east of Prineville.

Siuslaw National Forest

6. ORE-03587-E. Public Land Order No. 1144 dated May 4, 1955. Cape Perpetua Recreation Area, 308.10 acres. Located in T. 15 S., R. 12 W., W.M., Secs. 2 and 3, Lincoln County, approximately 1 mile south of Yachats.

7. OR-6363, Public Land Order No. 5136 dated October 18, 1971. Marys Peak Lookout, 40 acres. Located in T. 12 S., R. 7 W., W.M., Sec. 38, Benton County, approximately 10 miles east of Philomath.

The withdrawals currently segregate the lands from operation of the mining laws, but not the mineral leasing laws, and some of the lands are closed to operation of the public land laws generally. The Forest Service requests no changes in the purpose or segregative effect of the withdrawals except that the lands be opened to operation of the public land laws generally where they are presently closed.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: March 14, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-6534 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-00-4214-11;GPO-159; ORE-013665]

Proposed Continuation of Withdrawal; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that a portion of the land withdrawal for recreation and administrative purposes continue for an additional 20 years and requests that the lands involved remain closed to mining.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

The Forest Service proposes that the existing land withdrawal made by Public Land Order No. 3634 dated April 15, 1965, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following identified lands and projects are involved:

Mt. Hood National Forest

Rainy Lake Campground, 9.14 acres located in Sec. 25, T. 2 N., R. 8 E., W.M., in Hood River County, approximately 15 miles southwest of Hood River.

Larch Mountain Campground, 125 acres located in Secs. 29 and 32, T. 1 N., R. 6 E., W.M., in Multnomah County, approximately 4 miles southeast of Bridal Veil.

Lost Lake Campground, 373.06 acres located in Secs. 9, 10, and 15, T. 1 S., R. 8 E., W.M., in Hood River County, approximately 22 miles southwest of Hood River.

Lava Bed Campground, 60 acres located in Sec. 23, T. 1 S., R. 9 E., W.M., in Hood River County, approximately 17 miles south of Hood River.

Mill Creed Buttes Administrative Site, 10 acres located in in Secs. 17 and 34, T. 1 S., R. 10 E., W.M., in Hood River County, approximately 19 miles south of Hood River.

Clear Creek Campground, 10 acres located in Sec. 34, T. 2 S., R. 7 E., W.M., in Clackamas County, approximately 16 miles east of Sandy.

Fred McNeil Campground, 40 acres located in Sec. 19, T. 2 S., R. 8 E., W.M., in Clackamas County, approximately 24 miles east of Sandy.

Cast Creek Campground (known as Riley Campground), 10 acres located in Sec. 19, T. 2 S., R. 8 E., W.M., in Clackamas County, approximately 24 miles east of Sandy.

Cloud Cap Campground, 35 acres located in Secs. 10 and 15, T. 2 S., R. 9 E., W.M., in Clackamas County, approximately 30 miles east of Sandy.

Tilly Jane Campground, 30 acres located in Sec. 15, T. 2 S., R. 9 E., W.M., in Clackamas County, approximately 30 miles east of Sandy.

Silcox Hut Campground, 10.19 acres located in Sec. 31, T. 2 S., R. 9 E., and Sec. 6, T. 3 S., R. 9 E., W.M., in Clackamas County, approximately 29 miles east of Sandy.

Bottle Prairie Forest Camp, 10 acres located in Sec. 13, T. 2 S., R. 10 E., W.M., in Hood River County, approximately 22 miles south of Hood River.

Sherwood Campground, 40 acres located in Sec. 17, T. 2 S., R. 10 E., W.M., in Hood River County, approximately 22 miles south of Hood River.

Eight Mile Crossing Campground, 10 acres located in Sec. 8, T. 2 S., R. 11 E., W.M., in Wasco County, approximately 21 miles south of Hood River.

Lower Crossing Campground, 10 acres located in Sec. 8, T. 2 S., R. 11 E., W.M., in Wasco County, approximately 21 miles south of Hood River.

Pebble Ford Campground, 10 acres located in Sec. 18, T. 2 S., R. 11 E., W.M., in Wasco County, approximately 22 miles south of Hood River.

Oregon Trail and Still Creek Campground, 349.63 acres located in Secs. 2, 3, and 11, T. 3 S., R. 7 E., W.M., in Clackamas County, approximately 17 miles east of Sandy.

Zig Zag Ranger Station Administrative Site, 21.63 acres located in Sec. 3, T. 3 S., R. 7 E., W.M., in Clackamas County, approximately 17 miles east of Sandy.

Zig Zag River Campground, 31.15 acres located in Sec. 3, T. 3 S., R. 7 E., W.M., in Clackamas County, approximately 17 miles east of Sandy.

Tollgate Campground, 51.57 acres located in Secs. 11 and 14, T. 3 S., R. 7 E., W.M., in Clackamas County, approximately 18 miles east of Sandy.

Cool Creek and Mile Bridge Campground, 530.27 acres located in Secs. 13, 14, and 24, T. 3 S., R. 7 E., W.M., in Clackamas County, approximately 18 miles east of Sandy.

Twin Bridges Campground, 30 acres located in Sec. 15, T. 3 S., R. 8 E., W.M., in Clackamas County, approximately 25 miles east of Sandy.

Mile Bridge Campground, 282.02 acres located in Secs. 17 and 18, T. 3 S., R. 8 E., W.M., in Clackamas County, approximately 24 miles east of Sandy.

Camp Creek Campground, 205.65 acres located in Secs. 17, 18, 19, and 20, T. 3 S., R. 8 E., W.M., in Clackamas County, approximately 24 miles east of Sandy.

Mirror Lake Campground, 10 acres located in Sec. 23, T. 3 S., R. 8 E., W.M., in Clackamas County, approximately 22 miles southeast of Sandy.

Ski Bowl Campground, 10 acres located in Sec. 23, T. 3 S., R. 8 E., W.M., in Clackamas County, approximately 22 miles southeast of Sandy.

Devil's Peak Administrative Site, 15.40 acres located in Sec. 31, T. 3 S., R. 8 E., W.M., in Clackamas County, approximately 21 miles southeast of Sandy.

Nanitch Campground, 10 acres located in Sec. 13, T. 3 S., R. 8½ E., W.M., in Clackamas County, approximately 25 miles east of Sandy.

Summit Ski Terminal, 10 acres located in Sec. 24, T. 3 S., R. 8½ E., W.M., in Clackamas County, approximately 24 miles east of Sandy.

Summit Ranger Station Administrative Site, 30 acres located in Sec. 24, T. 3 S., R. 8½ E., W.M., in Clackamas County, approximately 24 miles east of Sandy.

Still Creek Campground, 30 acres located in Sec. 24, T. 3 S., R. 8½ E. W.M., in Clackamas County, approximately 24 miles east of Sandy.

Snowbunny Lodge Campground, 10 acres located in Sec. 25, T. 3 S., R. 8½ E., W.M., in Clackamas County, approximately 25 miles east of Sandy.

Trillium Lake Campground, 15 acres located in Sec. 36, T. 3 S., R. 8½ E., W.M. in Clackamas County, approximately 26 miles southeast of Sandy.

Lone Fir Administrative Site, 10.38 acres located in Sec. 6, T. 3 S., R. 9 E., W.M., in Clackamas County, approximately 27 miles east of Sandy.

Timberline Lodge Campground, 50 acres located in Secs. 6 and 7, T. 3 S., R. 9 E., W.M., in Clackamas County, approximately 27 miles east of Sandy.

Phlox Point Campground, 10 acres located in Sec. 7, T. 3 S., R. 9 E., W.M., in Clackamas County, approximately 27 miles east of Sandy.

Robinhood Campground, 20 acres located in Sec. 5, T. 3 S., R. 10 E., W.M., in Hood River County, approximately 33 miles east of Sandy.

Bonney Meadows Campground Site, 10 acres located in Sec. 32, T. 3 S., R. 10 E., W.M., in Hood River County, approximately 31 miles south of Hood River.

Little Badger Forest Camp, 10 acres located in Sec. 30, T. 3 S., R. 12 E., W.M., in Wasco County, approximately 24 miles south of The Dalles.

North Fork Crossing Campground, 10 acres located in Sec. 23, T. 4 S., R. 5 E., W.M., in Clackamas County, approximately 14 miles southeast of Sandy.

Lazy Bend Campground, 15 acres located in Sec. 28, T. 4 S., R. 5 E., W.M., in Clackamas County, approximately 14 miles east of Sandy.

Memaloose Scale Station Administrative Site, 15 acres located in Sec. 29, T. 4 S., R. 5 E., W.M., in Clackamas County, approximately 14 miles east of Sandy.

Big Eddy Picnic Site, 10 acres located in Sec. 35, T. 4 S., R. 5 E., W.M., in Clackamas County, approximately 11 miles southeast of Sandy.

Lookout Springs Campground, 7.50 acres located in Sec. 22, T. 4 S., R. 6 E., W.M., in Clackamas County, approximately 14 miles southeast of Sandy.

Barlow Creek Forest Camp, 15 acres located in Sec. 11, T. 4 S., R. 9 E., W.M., in Wasco County, approximately 27 miles west of Maupin.

Barlow Crossing Forest Camp, 10 acres located in Sec. 13, T. 4 S., R. 9 E., W.M., in Wasco County, approximately 28 miles west of Maupin.

Frog Lake Forest Campground, 77.50 acres located in Sec. 17, T. 4 S., R. 9 E., W.M., in Wasco County, approximately 28 miles west of Maupin.

Clear Lake Forest Camp, 35 acres located in Sec. 32, T. 4 S., R. 9 E., W.M., in Wasco County, approximately 31 miles west of Maupin.

Grasshopper Lookout Administrative Site, 10 acres located in Sec. 3, T. 4 S., R. 10 E., W.M., in Wasco County, approximately 23 miles west of Maupin.

White River Station Forest, 9.93 acres located in Sec. 30, T. 4 S., R. 10 E., W.M., in Wasco County, approximately 25 miles west of Maupin.

Forest Creek Forest Camp, 10 acres located in Sec. 34, T. 4 S., R. 10 E., W.M., in Wasco County, approximately 22 miles west of Maupin.

Rock Creek Reservoir Forest Camp, 10 acres located in Sec. 14, T. 4 S., R. 11 E., W.M., in Wasco County, approximately 15 miles west of Maupin.

Rock Creek Administrative Site, 10 acres located in Sec. 14, T. 4 S., R. 11 E., W.M., in Wasco County, approximately 15 miles west of Maupin.

Fish Creek Campground, 15 acres located in Sec. 2, T. 5 S., R., 5 E., W.M., in Clackamas County, appoximately 17 miles south of Sandy.

Armstrong Campground, 10 acres located in Sec. 2, T. 5 S., R. 5 E., W.M., in Clackamas County, approximately 17 miles south of Sandy.

Cartér Bridge Campground, 10 acres located in Sec. 2, T. 5. S., R. 5 E., W.M., in Clackamas County, approximately 17 miles south of Sandy.

Roaring River Campground, 12.50 acres located in Secs. 6 and 7, T. 5 S., 6 E., W.M., in Clackamas County, approximately 18 miles south of Sandy.

Sun Strip Campground, 10 acres located in Sec. 8, T. 5 S., R. 6 E., W.M., in Clackamas County, approximately 18 miles southeast of Sandy.

Oak Grove Administrative Site, 175.13 acres located in Sec. 36, T. 5 S., R. 6 E., W.M., in Clackamas County, approximately 24 miles southeast of Sandy.

High Rock Campground, 10 acres located in Sec. 12, T. 5 S., R. 7 E., W.M., in Clackamas County, approximately 25 miles southeast of Sandy.

Hideaway Lake Campground, 19.14 acres located in Secs. 20 and 21, T. 5 S., R. 7 E., W.M., in Clackamas County, approximately 22 miles southeast of Sandy.

Oak Fork Forest Camp, 35 acres located in Secs. 24 and 25, T. 5 S., R. 8 E., W.M., in Clackamas County, approximately 30 miles southeast of Sandy.

Little Crater Lake Forest Camp, 12.50 acres located in Sec. 11, T. 5 S., R. 8½ E., W.M., in Clackamas County, approximately 28 miles southeast of Sandy.

Clackamas Lake Administrative Site, 85 acres located in Secs. 25, 26, and 35, T. 5 S., R. 8½ E., W.M., in Clackamas County, approximately 31 miles southeast of Sandy.

Clear Lake Administrative Site, 10 acres located in Secs. 6 and 7, T. 5 S., R. 9 E., W.M., in Wasco County, approximately 31 miles west of Maupin.

Clear Creek Campground, 10 acres located in Sec. 8, T. 5 S., R. 10 E., W.M., in Wasco County, approximately 25 miles west of Maupin.

Keeps Mill Campground, 10 acres located in Sec. 11, T. 5 S., R. 10 E., W.M., in Wasco County, approximately 21 miles west of Maupin.

Boundary Scaling Station, 12.50 acres located in Sec. 30, T. 5 S., R. 11 E., W.M., in Wasco County, approximately 20 miles west of Maupin.

Rainbow Campground, 40 acres located in Sec. 2, T. 6 S., R. 6 E., W.M., in Clackamas County, approximately 21 miles southeast of Estacada.

Ripplebrook Administrative Site, 93.35 acres located in Secs. 2 and 3, T. 6 S., R. 6 E. W.M., in Clackamas County, approximately 21 miles southeast of Estacada.

Riverside Campground, 30 acres located in Sec. 15, T. 6 S., R. 6 E., W.M., in Clackamas County, approximately 23 miles southeast of Estacada.

Two Rivers Campground, 20 acres located in Sec. 22, T. 6 S., R. 6 E., W.M., in Clackamas County, approximately 20 miles southeast of Estacada.

Shellrock Campground, 13.41 acres located in Sec. 2, T. 6 S., R. 7 E., W.M., in Clackamas County, approximately 25 miles southeast of Estacada.

Oak Grove Butte Administrative Site, 20 acres located in Sec. 17, T. 6 S., R. 7 E., W.M., in Clackamas County, approximately 23 miles southeast of Estacada.

Summit Lake Campground, 22.50 acres located in Sec. 23, T. 6 S, R. 6 E., W.M., in Clackamas County, approximately 31 miles southeast of Estacada.

Pegleg Campground, 20 acres located in Sec. 14, T. 7 S., R. 5 E., W.M., in Clackamas County, approximately 24 miles south of Estacada.

Nohorn Campground, 30 acres located in Secs. 14 and 23, T. 7 S., R. 5 E., W.M., in Clackamas County, approximately 24 miles south of Estacada.

Fan Creek Campground, 40.14 acres located in Secs. 3, T. 7 S., R. 6 E., W.M., in Clackamas County, approximately 25 miles southeast of Estacada.

Mt. Lowe Administrative Site, 10 acres located in Sec. 17, T. 7 S., R. 7 E., W.M., in Clackamas County, approximately 28 miles southeast of Estacada.

Hawk Mt. Administrative Site, 15 acres located in Sec. 27, T. 8 S., R. 7 E., W.M., in Marion County, approximately 11 miles northeast of Detroit.

Sisi Administrative Site, 15 acres located in Sec. 9, T. 8 S., R. 8 E., W.M., in Clackamas County, approximately 18 miles northeast of Detroit.

Olallie Meadows Campground, 60 acres located in Secs. 24 and 25, T. 5 S., R. 10 E., W.M., in Wasco County, approximately 20 miles west of Maupin.

Fish Lake Campground, 20 acres located in Sec. 34, T. 8 S., R. 8 E., W.M., in Marion County, approximately 18 miles northeast of Detroit.

Olallie Lake Guard Station, Administrative Site and Campground, 172.50 acres located in Secs. 11, 12, 13, and 14, T. 9 S., R. 8 E., W.M., in Jefferson County, approximately 17 miles northeast of Detroit.

Horseshoe Lake Campground, 10 acres located in Secs. 23 and 24, T. 9 S., R. 8 E., W.M., in Jefferson County, approximately 18 miles northeast of Detroit.

Brietenbush Lake Campground, 30 acres located in Sec. 25, T. 9 S., R. 8 E., W.M., in Marion County, approximately 18 miles northeast of Detroit.

The withdrawal currently segregates the lands from operation of the mining laws, but not the public land laws generally and the mineral leasing laws. The Forest Service requests no changes

in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination of the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: March 14, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-6535 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-00-4214-11; GPO-161; Wash-01220, et al.]

Proposed Continuation of Withdrawals; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that all or portions of eleven separate land withdrawals continue for an additional 20 years and requests that the lands involved remain closed to mining and, where closed, opened to surface entry.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

The Forest Service proposes that the following identified land withdrawals be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described lands and projects are involved:

Wenatchee National Forest

1. WASH-01220, Public Land Order No. 1710 dated August 6, 1958. Lake Wenatchee Recreation Area, 340.30 acres located in Secs. 23 and 24, T. 27 N., R. 16 E., W.M., in Chelan County, approximately 18 miles north of Leavenworth.

2. WASH-01483, Public Land Order No. 2434 dated July 13, 1961. Tumwater Campground Site, 124 acres located in sec. 9, T. 25 N., R. 17 E., W.M., in Chelan County, approximately 6 miles northwest of Leavenworth.

Domke Lake Recreation Area, 20 acres located in Secs. 15 and 22, T. 31 N., R. 18 E., W.M., in Chelan County, approximately 1 mile south of Lucerne.

3. WASH-03360, Public Land Order No. 4518 dated August 28, 1968. Entiat River Road Zone, 1,275 acres located in Secs. 1, 2, 12, and 13, T. 28 N., R. 18 E., unsurveyed, Secs. 7, 8, 16, 17, 21, 22, 26, 27, 35, and 36 T. 29 N., R. 18 E., unsurveyed, Secs. 2, 3, 11, and 14, T. 27 N., R. 19 E., and Secs. 10, 20, 28, 29, 33, and 34, T. 29 N., R. 19 E., W.M., in Chelan County, approximately 20 miles northwest of Entiat.

4. WASH-04282, Public Land Order No. 3336 dated February 24, 1964. Soda Springs Campground, 150 acres located in Secs. 3 and 10, T. 27 N., R. 15 E., W.M., in Chelan County, approximately 8 miles northwest of Merritt.

5. OR-22355(WASH), Secretarial Order dated January 24, 1908. Dirty Face Administrative Site, 40.85 acres located in Sec. 13, T. 27 N., R. 16 E., W.M., in Chelan County, approximately 1 mile west of Telna.

6. OR-36069(WASH), Secretarial Order dated July 14, 1908. Railroad Creek Ranger Station, 0.9 acre located in Sec. 10, T. 31 N., R. 18 E., W.M., in Chelan County, near the town of Lucerne.

Snoqualmie National Forest

7. WASH, Public Land Order No. 2434 dated July 13, 1961. Mather Memorial Highway Zone, 3,280 acres located in Secs. 12, 13, and 14, T. 16 N., R. 10 E., Secs. 3 and 4, T. 16 N., R. 10 E., Secs. 5, 6, 8, 17, 20, 21, 27, 28, and 34, T. 18 N., R. 10 E., Secs. 30 and 31, T. 19 N., R. 10 E., Secs. 3, 4, 7, 8, and 9, T. 16 N., R. 11 E., Secs. 25, 33, 34, 35, and 36, T. 17 N., R. 11 E., Secs. 13, 22, 23, 24, and 27, T. 17 N., R. 12 E., Secs. 10, 11, 12, 15, 16, 17, and 18, T. 17 N., R. 13 E., Sec. 1, T. 16 N., R. 14 E., and Secs. 4, 5, 7, 8, 9, 15, 16, 22, 23, 25, 26, 35, and 36, T. 17 N., R. 14 E., W.M. in Pierce and Yakima Counties, approximately 22 miles southwest of Enumclaw.

8. WASH-03359, Public Land Order 4518 dated August 28, 1968. White Pass Highway Zone, 475 acres located in Secs. 25 to 32, inclusive, T. 14 N., R. 14 E., and Secs. 12, 14, 22, 24, 28, and 30, T. 14 N., R. 15 E., W.M., in Yakima and King Counties, approximately 1 mile east of the town of Rimrock.

Bumping Lake Road Zone, 610 acres located in Secs. 12, 13, 23, and 24, T. 16 N., R. 12 E., Secs. 5, 6, and 7, T. 16 N., R. 13 E., and Secs. 12, 13, 14, 22, 23, 27, 32, 33, and 34, T. 17 N., R. 13 E., W.M., in Yakima County, southeast of the town of American River.

9. OR-5632(WASH), Public Land Order No. 4792 dated April 2, 1970. Deep Creek Campground, 60 acres located in Sec. 36, T. 15 N., R. 11 E., and Sec. 32, T. 15 N., R. 12 E., W.M., in Yakima County, approximately 17 miles southwest of Packwood.

Snoqualmie and Gifford Pinchot National Forests

10. WASH-02169, Public Land Order No. 1386 dated February 1, 1957. White Pass Recreation Site, 1,600 acres located in Secs. 1, 2, 11, and 12, T. 13 N., R. 11 E., W.M., in Yakima County, approximately 14 miles east of Packwood.

Colville National Forest (formerly part of the Priest River National Forest)

11. OR-22065(WASH), Secretarial Orders dated January 21, 1908, and June 26, 1908. Sullivan Lake Administrative Site, 258.45 acres located in Secs. 29, 30, 31, and 32, T. 39 N., R. 44 E., W.M., in Pend Oreille County, approximately 4 miles east of Metaline.

The withdrawals currently segregate the lands from operation of the mining laws, but not the mineral leasing laws, and some of the lands are closed to operation of the public land laws generally. The Forest Service requests no changes in the purpose or segregative effect of the withdrawals except that the lands be opened to operation of the public land laws generally where they are presently closed.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the exiting and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: March 16, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-6563 Filed 3-21-90; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the

Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Ernest Milani, Norwell, MA, PRT 746736.

The applicant requests a permit to import the personal sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captiveherd maintained by Mr. N.B. Pohl, Shenfield, P.O. Riebeech East, Republic of South Africa, for the purpose of enhancement of survival of the species.

Applicant: Richard E. DeMonte, Warren, MI, PRT 745529.

The applicant requests a permit to import the personal sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captiveherd maintained by Mr. Theo Erasmus, Orange Free State, Republic of South Africa, for the purpose of enhancement of survival of the species.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) in Room 430, 4401 N. Fairfax Dr. Arlington, VA 22201, or by writing to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, P.O. Box 3507, Arlington, VA 22203–3507.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: March 16, 1990.

Karen Willson,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 90–6517 Filed 3–21–90; 8:45 am]

BILLING CODE 4310–55–M

Arizona; Pipeline Application

Notice is hereby given that under section 28 of the Mineral Leasing Act of 1920 (30 U.S.C.), as amended by the Act of November 16, 1973 (37 Stat. 576, Pub. L. 93–153), El Paso Natural Gas Company has applied for a 30-inch natural gas pipeline loop right-of-way across lands in the Kofa National Wildlife Refuge located in La Paz County, Arizona.

The loop pipeline will convey natural gas across 12.96 miles of refuge lands, parallel to and between three existing 30-inch natural gas pipelines.

The purpose of this notice is to inform the public that the U.S. Fish and Wildlife Service will be proceeding with the processing of this application, compatibility determination, and consideration for its approval, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days of the publication of this notice, and send their name, address, and comments to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Michael J. Spear,

Regional Director.

[FR Doc. 90–6569 Filed 3–21–90; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on April 12–13, 1990 in Conference Room 'B' of the Pan American Health Organization Building, 525 Twenty-Third Street, NW., Washington, DC. The Committee will (1) continue its earlier discussions on the amount and type of scientific review that is appropriate for A.I.D.'s science and technology projects; and (2) begin its consideration of research priorities for A.I.D. in the area of global warming and climate change. The Committee will also hear brief reports from A.I.D. on forestry research and biological diversity.

The meeting will begin at 8:30 a.m. on both days and adjourn at 5 p.m. on April 12 and 12 noon on April 13. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Dr. Curtis R. Jackson, Director, Office of Research and University Relations, Bureau for Science and Technology, is designated as the A.I.D. Representative at the meeting. Persons desiring more specific information should contact Dr. Jackson at (703) 875–4005 or Room 309, 1601 North Kent Street, Rosslyn, Virginia.

Dated: March 12, 1990.

Curtis R. Jackson,

A.I.D. Representative, Research Advisory Committee.

[FR Doc. 90–6531 Filed 3–21–90; 8:45 am]

BILLING CODE 6116–01–M

INTERNATIONAL TRADE COMMISSION

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Commission has submitted a request for approval of questionnaires to the Office of Management and Budget for review.

PURPOSE OF INFORMATION COLLECTION: The forms are used by the Commission in connection with investigation No. 332–289, Steel Industry: Annual Report on Competitive Conditions in the Steel Industry and Industry Efforts to Adjust and Modernize, instituted under the authority of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

SUMMARY OF PROPOSALS:

(1) Number of forms submitted: two.

(2) Title for form: Steel Industry: Annual Report on Competitive Conditions in the Steel Industry and Industry Efforts to Adjust and Modernize-Questionnaires for Producers and Purchasers.

(3) Type of request: new.

(4) Frequency of use: annual, through 1991.

(5) Description of respondents: firms which produce or purchase carbon and alloy steel products.

(6) Estimated annual number of respondents: 388.

(7) Estimated total number of hours to complete the forms: 11,705.

(8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

ADDITIONAL INFORMATION OR COMMENT: Copies of the forms and supporting documents may be obtained from Mark Paulson (USITC, tel. no. (202) 252–1432). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attention: Marshall Mills, Desk Officer for the U.S. International Trade Commission. If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly, you should advise OMB of your intent as soon as possible. Mr. Mills' telephone number is (202) 395–7340. Copies of any comments should be provided to Charles Ervin at the U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 252–1810.

By order of the Commission.

Issued: March 16, 1990.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-6513 Filed 3-21-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-289]

Steel Industry: Annual Industry Report on Competitive Conditions in the Industry and Industry Efforts To Adjust and Modernize

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

SUMMARY AND BACKGROUND: The Commission instituted the investigation, No. 332-289, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) following receipt on February 28, 1990, of a request from the United States Trade Representative (USTR); the request was made at the direction of the President as part of the implementation of the Steel Trade Liberalization Program which extended voluntary restraint arrangements for a transitional period of two and one-half years to March 31, 1992.

In accordance with the request, the Commission will monitor competitive conditions in the steel industry and the industry's efforts to adjust and modernize, including trends and developments in wages and investment, and prepare annual reports on these matters. To the extent possible, the reports will include information on the major companies' compensation of executive officers, as well as information from domestic producers and purchasers regarding recent improvements in domestic quality and service, including those that result from industry modernization.

Under title VIII of the Trade and Tariff Act of 1984 (19 U.S.C. 2253 note), the President is required to make an annual determination to the Congress regarding the adjustment efforts of the major steel companies. To assist in this determination, the Commission has been requested to include in its annual reports the best information it can compile for the preceding 12-month period ending September 30 of 1990 and 1991 on the following matters.

(A) The extent to which the major companies of the steel industry have, or will have committed their net cash flow from steel product operations for purposes of reinvestment in, and modernization of, that industry through investment in modern plant and equipment, research and development, and other appropriate projects, such as working capital for steel operations and programs for the retraining of current and former workers;

(B) Actions taken by major companies to maintain their international competitiveness, including actions to produce price-competitive and quality-competitive products, and to control costs of production, including employment costs, and to improve productivity; and

(C) Whether each of the major companies committed, or will have committed, not less than one percent of net cash flow to the retraining of current and former workers. This information on retraining should include a comparison of the amounts used to retrain displaced former employees and amounts used for on-the-job retraining within the industry.

If any major company did not commit at least one percent of its net cash flow to the retraining of workers, the Commission has been asked to report any unusual economic circumstances which contributed to the company's failure to do so.

For the purpose of this investigation, the terms "steel industry", "major company", and "net cash flow" have the same meaning as that set forth in title VIII of the Trade and Tariff Act of 1984.

Inasmuch as the President's determination called for in the Act will have to be made before the end of each annual period, the Commission has been requested to submit its annual reports by August 1, 1990 and August 1, 1991.

EFFECTIVE DATE: March 16, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Paulson, Minerals and Metals Division, United States International Trade Commission, 500 E Street SW., Washington, DC 20436 (telephone: 202-252-1432).

WRITTEN SUBMISSIONS: Interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitting party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked as "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedures (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received at the earliest date, but not later than July 1, 1990 and by July 1, 1991. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 252-1809.

By order of the Commission.

Issued: March 16, 1990.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-6503 Filed 3-21-90; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31599]

Burlington Northern Railroad Co.; Trackage Rights Exemption, Illinois Central Railroad Co.

Illinois Central Railroad Company (IC) has agreed to grant overhead trackage rights to Burlington Northern Railroad Company (BN) over 1.7 miles of IC's line of railroad near Waltonville, Jefferson County, IL, extending from BN's connection with the IC track near valuation station 85+02 to IC's connection with Consolidated Coal Company's track at valuation station 174+32.

In order to access the trackage rights, BN will operate over a connector track between its main line and IC's line. That operation is the subject of a related notice of exemption filed concurrently in Finance Docket No. 31599 (Sub-No. 1), *Burlington Northern Railroad Company—Operation Exemption—Connector Track in Jefferson County, IL.*

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Betty Jo Christian, Steptoe & Johnson, 1330 Connecticut Avenue, NW., Washington, DC 20036.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights--BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Dated: March 15, 1990

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90-6554 Filed 3-21-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act in United States v. Browning Ferris Industries—Chemical Services, Inc., and CECOS International

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on March 9, 1990, a proposed Consent Decree in *United States v. Browning Ferris Industries-Chemical Services, Inc., and CECOS International*, Civil Action No. 88-0718-LC (W.D. LA.) was lodged with the United States District Court for the Western District of Louisiana.

The Complaint in this enforcement action was filed on March 17, 1988, against the defendants under Section 3008 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6928, seeking civil penalties and injunctive relief for violations of the operating regulations for an interim status hazardous waste facilities. The Complaint seeks injunctive relief against the defendants to require them to comply with all applicable laws and conduct a groundwater contamination assessment. The proposed Consent Decree ("Decree") requires the defendants to, *inter alia*, conduct an environmental audit of the facility and conduct interim measure corrective action to evaluate and contain groundwater contamination beneath the facility. It further provides for stipulated penalties for failure to comply with the Decree and for payment of a $1,550,000 civil penalty for past violations of the Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *BFI/CECOS*, D.J. No. 90-7-1-448.

The proposed Consent Decree may be examined at the office of the United States Attorney, 500 Fannin Street, Room 3B12, Shreveport, LA. 71101 and at the United States Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, U.S. Department of Justice, 10th and Pennsylvania Avenue, N.W., Washington, DC 20530. In requesting a copy, please enclose a check in the amount of $4.80 payable to the Treasurer of the United States.

George Van Cleve,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90-6539 Filed 3-21-90; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Settlement Agreement Pursuant to Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 15, 1990, a consent decree in *United States* v. *Inland-Rome, Inc.*, Civil Action No. 4:89-CV-0045-HLM, was lodged with the United States District Court for the Northern District of Georgia. The complaint filed by the United States, pursuant to section 311 of the Clean Water Act, 33 U.S.C. 1321, sought civil penalties for the spill of a hazardous substance from defendant's facility to waters of the United States, and also sought reimbursement for the costs incurred by the United States in responding to the spill. The proposed consent decree requires the defendant to pay a civil penalty of $30,000 and to reimburse the United States for its response costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Inland-Rome, Inc.*, D.J. Ref. No. 90-5-1-1-3201. The proposed consent decree may be examined at the Office of the United States Attorney, 1800 U.S. Courthouse, 75 Spring Street, SW., Atlanta, Georgia 30335 and at the Region 1V Office of the Environmental Protection Agency, 345 Courtland Street, NW., Atlanta, Georgia. A copy of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1647, Tenth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed settlement agreement may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90-6540 Filed 3-21-90; 8:45 am]

BILLING CODE 4401-01-M

Antitrust Division

Advanced Television Research Consortium

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Advanced Television Research Consortium (the "Consortium") on February 20, 1990 has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the joint venture and (2) the nature and objective of the joint venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Consortium and its general areas of planned activities, are given below.

The members of the Consortium are:

David Sarnoff Research Center
National Broadcasting Company
North American Philips Corporation
Thomson Consumer Electronics, Inc.

The Consortium entered into an agreement effective January 18, 1990 to collaborate on development of advanced television systems, including enhanced definition television and high definition television systems.

Joseph H. Widmar,

Director Operations, Antitrust Division.

[FR Doc. 90-6474 Filed 3-21-90; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D-8069 et al.]

Proposed Exemptions; PaineWebber Inc., et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department)

of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, Within 45 days from the date of publication of this Federal Register Notice. Comments and request for a hearing should state the reasons for the writer's interest in pending exemption.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N-5671, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

PaineWebber Incorporated (PaineWebber) Located in New York, New York

[Application No. D-8069]

Proposed Exemption

I. Transactions

A. Effective January 1, 1987, the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving trusts and certificates evidencing interests therein:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and an employee benefit plan when the sponsor, servicer, trustee or insurer of a trust, the underwriter of the certificates representing an interest in the trust, or an obligor is a party in interest with respect to such plan;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates; and

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.A. (1) or (2).

Notwithstanding the foregoing, section I.A. does not provide an exemption from the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407 for the acquisition or holding of a certificate on behalf of an Excluded Plan by any person who has discretionary authority or renders investment advice with respect to the assets of that Excluded Plan.[1]

B. Effective January 1, 1987, the restrictions of sections 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and a plan when the person who has discretionary authority or renders investment advice with respect to the investment of plan assets in the certificates is (a) an obligor with respect to 5 percent or less of the fair market value of obligations or receivables contained in the trust, or (b) an affiliate of a person described in (a); if:

(i) The plan is not an Excluded Plan;

(ii) Solely in the case of an acquisition of certificates in connection with the initial issuance of the certificates, at least 50 percent of each class of certificates in which plans have invested is acquired by persons independent of the members of the Restricted Group and at least 50 percent of the aggregate interest in the trust is acquired by persons independent of the Restricted Group;

(iii) A plan's investment in each class of certificates does not exceed 25 percent of all of the certificates of that class outstanding at the time of the acquisition; and

(iv) Immediately after the acquisition of the certificates, no more than 25 percent of the assets of a plan with respect to which the person has discretionary authority or renders investment advice are invested in certificates representing an interest in a trust containing assets sold or serviced by the same entity.[2] For purposes of this paragraph B.(1)(iv) only, an entity will not be considered to service assets contained in a trust if it is merely a subservicer of that trust;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates, provided that the conditions set forth in paragraphs B.(1) (i), (iii) and (iv) are met; and

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.B. (1) or (2).

C. Effective January 1, 1987, the restrictions of sections 406(a), 406(b) and 407(a) of the Act, and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c) of the Code, shall not apply to transactions in connection with the servicing, management and operation of a trust; provided:

(1) Such transactions are carried out in accordance with the terms of a binding pooling and servicing arrangement; and

(2) The pooling and servicing agreement is provided to, or described in all material respects in the prospectus

[1] Section I.A. provides no relief from sections 406(a)(1)(E), 406(a)(2) and 407 for any person rendering investment advice to an Excluded Plan within the meaning of section 3(21)(A)(ii) and regulation 29 CFR 2510.3-21(c).

[2] For purposes of this exemption, each plan participating in a commingled fund (such as a bank collective trust fund or insurance company pooled separate account) shall be considered to own the same proportionate undivided interest in each asset of the commingled fund as its proportionate interest in the total assets of the commingled fund as calculated on the most recent preceding valuation date of the fund.

or private placement memorandum provided to, investing plans before they purchase certificates issued by the trust.[3]

Notwithstanding the foregoing, section I.C. does not provide an exemption from the restrictions of section 406(b) of the Act or from the taxes imposed by reason of section 4975(c) of the Code for the receipt of a fee by a servicer of the trust from a person other than the trustee or sponsor, unless such fee constitutes a "qualified administrative fee" as defined in section III.S.

D. Effective January 1, 1987, the restrictions of sections 406(a) and 407(a) of the Act, and the taxes imposed by sections 4975 (a) and (b) of the Code by reason of sections 4975(c)(1) (A) through (D) of the Code, shall not apply to any transactions to which those restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest or disqualified person (including a fiduciary) with respect to a plan by virtue of providing services to the plan (or by virtue of having a relationship to such service provider described in section 3(14) (F), (G), (H) or (I) of the Act or section 4975(e)(2) (F), (G), (H) or (I) of the Code), solely because of the plan's ownership of certificates.

II. General Conditions

A. The relief provided under part I is available only if the following conditions are met:

(1) The acquisition of certificates by a plan is on terms (including the certificate price) that are at least as favorable to the plan as they would be in an arm's-length transaction with an unrelated party;

(2) The rights and interests evidenced by the certificates are not subordinated to the rights and interests evidenced by other certificates of the same trust;

(3) The certificates acquired by the plan have received a rating at the time of such acquisition that is in one of the three highest generic rating categories from either Standard & Poor's Corporation (S&P's), Moody's Investors Service, Inc. (Moody's), Duff & Phelps Inc. (D&P) or Fitch Investors Service, Inc. (Fitch);

(4) The trustee is not an affiliate of any member of the Restricted Group. However, the trustee shall not be considered to be an affiliate of a servicer solely because the trustee has succeeded to the rights and responsibilities of the servicer pursuant to the terms of a pooling and servicing agreement providing for such succession upon the occurrence of one or more events of default by the servicer;

(5) The sum of all payments made to and retained by the underwriters in connection with the distribution or placement of certificates represents not more than reasonable compensation for underwriting or placing the certificates; the sum of all payments made to and retained by the sponsor pursuant to the assignment of obligations (or interests therein) to the trust represents not more than the fair market value of such obligations (or interests); and the sum of all payments made to and retained by the servicer represents not more than reasonable compensation for the servicer's services under the pooling and servicing agreement and reimbursement of the servicer's reasonable expenses in connection therewith; and

(6) The plan investing in such certificates is an "accredited investor" as defined in Rule 501(a)(1) of Regulation D of the Securities and Exchange Commission under the Securities Act of 1933.

B. Neither any underwriter, sponsor, trustee, servicer, insurer, or any obligor, unless it or any of its affiliates has discretionary authority or renders investment advice with respect to the plan assets used by a plan to acquire certificates, shall be denied the relief provided under part I, if the provision of subsection II.A.(6) above is not satisfied with respect to acquisition or holding by a plan of such certificates, provided that (1) such condition is disclosed in the prospectus or private placement memorandum; and (2) in the case of a private placement of certificates, the trustee obtains a representation from each initial purchaser which is a plan that it is in compliance with such condition, and obtains a covenant from each initial purchaser to the effect that, so long as such initial purchaser (or any transferee of such initial purchaser's certificates) is required to obtain from its transferee a representation regarding compliance with the Securities Act of 1933, any such transferees will be required to make a written representation regarding compliance with the condition set forth in subsection II.A.(6) above.

III. Definitions

For purposes of this exemption:

A. "Certificate" means:

(1) A certificate

(a) That represents a beneficial ownership interest in the assets of a trust; and

(b) That entitles the holder to pass-through payments of principal, interest, and/or other payments made with respect to the assets of such trust; or

(2) A certificate denominated as a debt instrument—

(a) That represents an interest in a Real Estate Mortgage Investment Conduit (REMIC) within the meaning of section 860D(a) of the Internal Revenue Code of 1986; and

(b) That is issued by and is an obligation of a trust;

With respect to certificates defined in (1) and (2) for which PaineWebber or any of its affiliates is either (i) the sole underwriter or the manager or co-manager of the underwriting syndicate, or (ii) a selling or placement agent.

For purposes of this exemption, references to "certificates representing an interest in a trust" include certificates denominated as debt which are issued by a trust.

B. "Trust" means an investment pool, the corpus of which is held in trust and consists solely of:

(1) Either

(a) Secured consumer receivables that bear interest or are purchased at a discount (including, but not limited to, home equity loans and obligations secured by shares issued by a cooperative housing association);

(b) Secured credit instruments that bear interest or are purchased at a discount in transactions by or between business entities (including, but not limited to, qualified equipment notes secured by leases, as defined in section III.T);

(c) Obligations that bear interest or are purchased at a discount and which are secured by single-family residential, multi-family residential and commercial real property, (including obligations secured by leasehold interests on commercial real property);

(d) Obligations that bear interest or are purchased at a discount and which are secured by motor vehicles or equipment, or qualified motor vehicle leases (as defined in section III.U);

(e) "Guaranteed governmental mortgage pool certificates," as defined in 29 CFR section 2510.3-101(i)(2);

(f) Fractional undivided interests in any of the obligations described in clauses (a)–(e) of this section B.(1);

(2) Property which had secured any of the obligations described in subsection B.(1);

(3) Undistributed cash or temporary investments made therewith maturing no later than the next date on which

[3] In the case of a private placement memorandum, such memorandum must contain substantially the same information that would be disclosed in a prospectus if the offering of the certificates were made in a registered public offering under the Securities Act of 1933. In the Department's view, the private placement memorandum must contain sufficient information to permit plan fiduciaries to make informed investment decisions.

distributions are to be made to certificateholders; and

(4) Rights of the trustee under the pooling and servicing agreement, and rights under any insurance policies, third-party guarantees, contracts of suretyship and other credit support arrangements with respect to any obligations described in subsection B.(1).

Notwithstanding the foregoing, the term "trust" does not include any investment pool unless: (i) the investment pool consists only of assets of the type which have been included in other investment pools, (ii) certificates evidencing interests in such other investment pools have been rated in one of the three highest generic rating categories by S&P's, Moody's, D & P, or Fitch for at least one year prior to the plan's acquisition of certificates pursuant to this exemption, and (iii) certificates evidencing interests in such other investment pools have been purchased by investors other than plans for at least one year prior to the plan's acquisition of certificates pursuant to this exemption.

C. "Underwriter" means:

(1) PaineWebber;

(2) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with PaineWebber; or

(3) Any member of an underwriting syndicate or selling group of which PaineWebber or a person described in (2) is a manager or co-manager with respect to the certificates.

D. "Sponsor" means the entity that organizes a trust by depositing obligations therein in exchange for certificates.

E. "Master Servicer" means the entity that is a party to the pooling and servicing agreement relating to trust assets and is fully responsible for servicing, directly or through subservicers, the assets of the trust.

F. "Subservicer" means an entity which, under the supervision of and on behalf of the master servicer, services loans contained in the trust, but is not a party to the pooling and servicing agreement.

G. "Servicer" means any entity which services loans contained in the trust, including the master servicer and any sub-servicer.

H. "Trustee" means the trustee of the trust, and in the case of certificates which are denominated as debt instruments, also means the trustee of the indenture trust.

I. "Insurer" means the insurer or guarantor of, or provider of other credit support for, a trust.

Notwithstanding the foregoing, a person is not an insurer solely because it holds securities representing an interest in a trust which are of a class subordinated to certificates representing an interest in the same trust.

J. "Obligor" means any person, other than the insurer, that is obligated to make payments with respect to any obligation or receivable included in the trust. Where a trust contains qualified motor vehicle leases or qualified equipment notes secured by leases, "obligor" shall also include any owner of property subject to any lease included in the trust, or subject to any lease securing an obligation included in the trust. .

K. "Excluded Plan" means any plan with respect to which any member of the Restricted Group is a "plan sponsor" within the meaning of section 3(16)(B) of the Act.

L. "Restricted Group" with respect to a class of certificates means:

(1) Each underwriter;

(2) Each insurer;

(3) The sponsor;

(4) The trustee;

(5) Each servicer;

(6) Any obligor with respect to obligations or receivables included in the trust constituting more than 5 percent of the aggregate unamortized principal balance of the assets in the trust, determined on the date of the initial issuance of certificates by the trust; or

(7) Any affiliate of a person described in (1)–(6) above.

M. "Affiliate" of another person includes:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, partner, employee, relative (as defined in section 3(15) of the Act), a brother, a sister, or a spouse of a brother or sister of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

N. "Control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

O. A person will be "independent" of another person only if:

(1) Such person is not an affiliate of that other person; and

(2) The other person, or an affiliate thereof, is not a fiduciary who has investment management authority or renders investment advice with respect to any assets of such person.

P. "Sale" includes the entrance into a forward delivery commitment (as defined in section Q below), provided:

(1) The terms of the forward delivery commitment (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm's length transaction with an unrelated party;

(2) The prospectus or private placement memorandum is provided to an investing plan prior to the time the plan enters into the forward delivery commitment; and

(3) At the time of the delivery, all conditions of this exemption applicable to sales are met.

Q. "Forward Delivery Commitment" means a contract for the purchase or sale of one or more certificates to be delivered at an agreed future settlement date. The term includes both mandatory contracts (which contemplate obligatory delivery and acceptance of the certificates) and optional contracts (which give one party the right but not the obligation to deliver certificates to, or demand delivery of certificate from, the other party).

R. "Reasonable Compensation" has the same meaning as that term is defined in 29 CFR 2550.408c–2.

S. "Qualified Administrative Fee" means a fee which meets the following criteria:

(1) The fee is triggered by an act or failure to act by the obligor other than the normal timely payment of amounts owing in respect of the obligations;

(2) The servicer may not charge the fee absent the act or failure to act referred to in (1);

(3) The ability to charge the fee, the circumstances in which the fee may be charged, and an explanation of how the fee is calculated are set forth in the pooling and servicing agreement; and

(4) The amount paid to investors in the trust will not be reduced by the amount of any such fee waived by the servicer.

T. "Qualified Equipment Note Secured By A Lease" means an equipment note:

(a) Which is secured by equipment which is leased;

(b) Which is secured by the obligation of the lessee to pay rent under the equipment lease; and

(c) With respect to which the trust's security interest in the equipment is at least as protective of the rights of the trust as the trust would have if the equipment note were secured only by the equipment and not the lease.

U. "Qualified Motor Vehicle Lease" means a lease of a motor vehicle where:

(a) The trust holds a security interest in the lease;

(b) The trust holds a security interest in the leased motor vehicle; and

(c) The trust's security interest in the leased motor vehicle is at least as protective of the trust's rights as the trust would receive under a motor vehicle installment loan contract.

V. "Pooling and Servicing Agreement" means the agreement or agreements among a sponsor, a servicer and the trustee establishing a trust. In the case of certificates which are denominated as debt instruments, "Pooling and Servicing Agreement" also includes the indenture entered into by the trustee of the trust issuing such certificates and the indenture trustee.

Effective Date: This exemption, if granted, will be effective for transactions occurring on or after January 1, 1987.

II. Summary of Facts and Representations

1. PaineWebber, a leading international investment banking firm, provides financial advice to, and raises capital for, a broad range of domestic and international clients. PaineWebber and its affiliates manage and participate in public offerings and arrange direct placements of debt and equity securities in the domestic and international capital markets for both public and private sector issuers. These securities include common stock, preferred stock, tax-exempt securities and mortgage-related securities. Additionally, PaineWebber underwrites commercial paper as well as other short-term and medium-term securities.

Trust Assets

2. PaineWebber seeks exemptive relief to permit plans to invest in pass-through certificates representing undivided interests in the following categories of trusts: (1) single and multi-family residential or commercial mortgage investment trusts; [4] (2) motor vehicle receivable investment trusts; (3) consumer or commercial receivables investment trusts; and (4) guaranteed governmental mortgage pool certificate investment trusts.[5]

3. Commercial mortgage investment trusts may include mortgages on ground leases of real property. Commercial mortgages are frequently secured by ground leases on the underlying property, rather than by fee simple interests. The separation of the fee simple interest and the ground lease interest is generally done for tax reasons. Properly structured, the pledge of the ground lease to secure a mortgage provides a lender with the same level of security as would be provided by a pledge of the related fee simple interest. The terms of the ground leases pledged to secure leasehold mortgages will in all cases be at least ten years longer than the term of such mortgages.

Trust Structure

4. Each trust is established under a pooling and servicing agreement among a sponsor, a servicer and a trustee. The sponsor or servicer of a trust selects assets to be included in the trust. These assets are receivables which may have been originated by a sponsor or servicer of the trust, an affiliate of the sponsor or servicer, or by an unrelated lender and subsequently acquired by the trust sponsor or servicer.

Prior to or concurrently with the closing date, the sponsor acquires legal title to all assets selected for the trust, establishes the trust and designates an independent entity as trustee. On the closing date, the sponsor conveys to the trust legal title to the assets, and the trustee issues certificates representing fractional undivided interests in the trust assets. PaineWebber, alone or together with other broker-dealers, acts as underwriter or placement agent with respect to the sale of the certificates. The majority of the public offerings of certificates made to date have been underwritten on a firm commitment basis. In addition, PaineWebber has privately placed certificates on both a firm commitment and an agency basis. PaineWebber may also act as the lead underwriter for a syndicate of securities underwriters.

Certificateholders are entitled to receive monthly, quarterly or semi-annual installments of principal and/or interest, or lease payments due on the receivables, adjusted, in the case of payments of interest, to a specified rate—the pass-through rate—which may be fixed or variable.

5. Some of the certificates will be multi-class certificates. PaineWebber requests exemptive relief for two types of multi-class certificates: "strip" certificates and "fast-pay/ slow-pay" certificates. Strip certificates are a type of security in which the stream of interest payments on receivables is split from the flow of principal payments and separate classes of certificates are established, each representing rights to disproportionate payments of principal and interest.[6]

"Fast-pay/slow-pay" certificates involve the issuance of classes of certificates having different stated maturities or the same maturities with different payment schedules. Interest and/or principal payments received on the underlying receivables are distributed first to the class of certificates having the earliest stated maturity of principal and/or earlier payment schedule, and only when that class of certificates has been paid in full (or has received a specified amount) will distributions be made with respect to the second class of certificates. Distributions on certificates having later stated maturities will proceed in like manner until all the certificateholders have been paid in full. The only difference between this multi-class pass-through arrangement and a single-class pass-through arrangement is the order in which distributions are made to certificateholders. In each case, certificateholders will have a beneficial ownership interest in the underlying assets. In neither case will the rights of a plan purchasing certificates be subordinated to the rights of another certificateholder in the event of default on any of the underlying obligations. In particular, if the amount available for distribution to certificateholders is less than the amount required to be so distributed, all senior certificateholders then entitled to receive distributions will

[4] The Department notes that PTE 83-1 (48 FR 895, January 7, 1983), a class exemption for mortgage pool investment trusts, would generally apply to trusts containing single-family residential mortgages, provided that the applicable conditions of PTE 83-1 are met. PaineWebber requests relief for single-family residential mortgages in this exemption because it would prefer one exemption for all trusts of similar structure. However, PaineWebber has stated that it may still avail itself of the exemptive relief provided by PTE 83-1.

[5] Guaranteed governmental mortgage pool certificates are mortgage-backed securities with respect to which interest and principal payable is guaranteed by the Government National Mortgage Association (GNMA), the Federal Home Loan Mortgage Corporation (FHLMC), or the Federal National Mortgage Association (FNMA). The Department's regulation relating to the definition of plan assets (29 CFR 2510.3-101(i)) provides that where a plan acquires a guaranteed governmental mortgage pool certificate, the plan's assets include the certificate and all of its rights with respect to such certificate under applicable law, but do not, solely by reason of the plan's holding of such certificate, include any of the mortgages underlying such certificate. The applicant is requesting exemptive relief for trusts containing guaranteed governmental mortgage pool certificates because the certificates in the trusts are plan assets.

[6] It is the Department's understanding that where a plan invests in REMIC "residual" interest certificates to which this exemption applies, some of the income received by the plan as a result of such investment may be considered unrelated business taxable income to the plan, which is subject to income tax under the Code. The Department emphasizes that the prudence requirement of section 404(a)(1)(B) of the Act would require plan fiduciaries to carefully consider this and other tax consequences prior to causing plan assets to be invested in certificates pursuant to this exemption.

share in the amount distributed on a pro rata basis.[7]

6. For tax reasons, the trust must be maintained as an essentially passive entity. Therefore, both the sponsor's discretion and the servicer's discretion with respect to assets included in a trust are severely limited. Pooling and servicing agreements provide for the substitution of receivables by the sponsor only in the event of defects in documentation discovered within a limited time after the issuance of trust certificates. Any receivable so substituted is required to have characteristics substantially similar to the replaced receivable and will be at least as creditworthy as the replaced receivable.

In some cases, the affected receivable would be repurchased, with the purchase price applied as a payment on the affected receivable and passed through to certificateholders.

Parties to Transactions

7. The *originator* of a receivable is the entity that initially lends money to a borrower (obligor), such as a homeowner or automobile purchaser, or leases property to the lessee. The originator may either retain a receivable in its portfolio or sell it to a purchaser, such as a trust sponsor.

Originators of receivables included in the trusts will be entities that originate receivables in the ordinary course of their business, including finance companies, for whom such origination constitutes the bulk of their operations, financial institutions for whom such origination constitutes a substantial part of their operations, and any kind of manufacturer, merchant, or service enterprise for whom such origination is an incidental part of its operations. Each trust may contain assets of one or more originators. The originator of the receivables may also function as the trust sponsor or servicer.

8. The *sponsor* will be one of three entities: (i) a special-purpose corporation unaffiliated with the servicer, (ii) a special-purpose or other corporation affiliated with the servicer, or (iii) the servicer itself. Where the sponsor is not also the servicer, the sponsor's role will generally be limited to acquiring the receivables to be included in the trust, establishing the trust, designating the trustee, and assigning the receivables to the trust.

9. The *trustee* of a trust is the legal owner of the obligations in the trust. The trustee is also a party to or beneficiary of all the documents and instruments deposited in the trust, and as such is responsible for enforcing all the rights created thereby in favor of certificateholders.

The trustee will be an independent entity, and therefore will be unrelated to PaineWebber, the trust sponsor or the servicer. PaineWebber represents that the trustee will be a substantial financial institution or trust company experienced in trust activities. The trustee receives a fee for its services, which will be paid by the sponsor, servicer or out of trust assets. The method of compensating the trustee will be specified in the pooling and servicing agreement and disclosed in the prospectus or private placement memorandum relating to the offering of the certificates.

10. The *servicer* of a trust administers the receivables on behalf of the certificateholders. The servicer's functions typically involve, among other things, notifying borrowers of amounts due on receivables, maintaining records of payments received on receivables and instituting foreclosure or similar proceedings in the event of default. In cases where a pool of receivables has been purchased from a number of different originators and deposited in a trust, it is common for the receivables to be "subserviced" by their respective originators and for a single entity to "master service" the pool of receivables on behalf of the owners of the related series of certificates. Where this arrangement is adopted, a receivable continues to be serviced from the perspective of the borrower by the local subservicer, while the investor's perspective is that the entire pool of receivables is serviced by a single, central master servicer who collects payments from the local subservicers and passes them through to certificateholders.

In most cases, the originator and servicer of receivables to be included in a trust and the sponsor of the trust (though they themselves may be related) will be unrelated to PaineWebber. In some cases, however, affiliates of PaineWebber may originate or service receivables included in a trust, or may sponsor a trust.

Certificate Price, Pass-Through Rate and Fees

11. Where the sponsor of a trust is not the originator of receivables included in a trust, the sponsor generally purchases the receivables in the secondary market, either directly from the originator or from another secondary market participant. The price the sponsor pays for a receivable is determined by competitive market forces, taking into account payment terms, interest rate, quality, and forecasts as to future interest rates.

As compensation for the receivables transferred to the trust, the sponsor receives certificates representing the entire beneficial interest in the trust, or the cash proceeds of the sale of such certificates. If the sponsor receives certificates from the trust, the sponsor sells all or a portion of these certificates for cash to investors or securities underwriters. In some transactions, the sponsor or an affiliate may retain a portion of the certificate for its own account. The transfer of the receivables to the trust by the sponsor, the sale of certificates to investors, and the receipt of the cash proceeds by the sponsor generally take place simultaneously.

12. The price of the certificates, both in the initial offering and in the secondary market, is affected by market forces including investor demand, the pass-through interest rate on the certificates in relation to the rate payable on investments of similar types and quality, expectations as to the effect on yield resulting from prepayment of underlying receivables, and expectations as to the likelihood of timely payment.

The pass-through rate for certificates is equal to the interest rate on receivables included in the trust minus a specified servicing fee.[8] This rate is generally determined by the same market forces that determine the price of a certificate. The price of a certificate and its pass-through, or coupon, rate together determine the yield to investors. If an investor purchases a certificate at less than par, that discount augments the stated pass-through rate; conversely, a certificate purchased at a premium yields less than the stated coupon.

13. As compensation for performing its servicing duties, the servicer (who may also be the sponsor, and receive fees for acting in that capacity) will retain the difference between payments received on the receivables in the trust and payments payable (at the pass-through rate) to certificateholders, except that in some cases a portion of the payments on receivables may be paid to a third party, such as a fee paid to a provider of credit

[7] If a trust issues subordinate certificates, holders of such subordinate certificates may not share in the amount distributed on a pro rata basis. The Department notes that the exemption does not provide relief for plan investment in such subordinated certificates.

[8] The pass-through rate on certificates representing interests in trusts holding leases is determined by breaking down lease payments into "principal" and "interest" components based on an implicit interest rate.

support. The servicer may receive additional compensation by having the use of the amounts paid on the receivables between the time they are received by the servicer and the time they are due to the trust (which time is set forth in the pooling and servicing agreement). The servicer will be required to pay the administrative expenses of servicing the trust, including, in some cases, the trustee's fee, out of its servicing compensation.

The servicer is also compensated to the extent it may provide credit enhancement to the trust or otherwise arrange to obtain credit support from another party. This "credit support fee" may be aggregated with other servicing fees, and is either paid out of the interest income received on the receivables in excess of the pass-through rate or paid in a lump sum at the time the trust is established.

14. The servicer may be entitled to retain certain administrative fees paid by a third party, usually the obligor. These administrative fees fall into three categories: (a) prepayment fees; (b) late payment and payment extension fees; and (c) fees and charges associated with foreclosure or repossession, or other conversion of a secured position into cash proceeds, upon default of an obligation.

Compensation payable to the servicer will be set forth or referred to in the pooling and servicing agreement and described in reasonable detail in the prospectus or private placement memorandum relating to the certificates.

15. Payments on receivables may be made by obligors to the servicer at various times during the period preceding any date on which pass-through payments to the trust are due. In some cases, the pooling and servicing agreement may permit the servicer to place these payments in non-interest bearing accounts in itself or to commingle such payments with its own funds prior to the distribution dates. In these cases, the servicer would be entitled to the benefit derived from the use of the funds between the date of payment on a receivable and the pass-through date. Commingled payments may not be protected from the creditors of the servicer in the event of the servicer's bankruptcy or receivership. In those instances when payments on receivables are held in non-interest bearing accounts or are commingled with the servicer's own funds, the servicer is required to deposit these payments by a date specified in the pooling and servicing agreement into an account from which the trustee makes payments to certificateholders.

16. PaineWebber will receive a fee in connection with the securities underwriting or private placement of certificates. In a firm commitment underwriting, this fee would consist of the difference between what PaineWebber receives for the certificates that it distributes and what it pays the sponsor for those certificates. In a private placement, the fee normally takes the form of an agency commission paid by the sponsor.

Purchase of Receivables by the Servicer

17. The applicant represents that as the principal amount of the receivables in a trust is reduced by payment, the cost of administering the trust generally increases, making the servicing of the trust prohibitively expensive at some point. Consequently, the pooling and servicing agreement generally provides that the servicer may purchase the receivables included in the trust when the aggregate unpaid balance payable on the receivables is reduced to a specified percentage (usually between 5 and 10 percent) of the initial aggregate unpaid balance.

The purchase price of a receivable is specified in the pooling and servicing agreement and will be at least equal to the unpaid principal balance on the receivable plus accrued interest, less any unreimbursed advances of principal made by the servicer.

Certificate Ratings

18. The certificates will have received one of the three highest ratings available from either S&P's, Moody's, D&P or Fitch. Insurance or other credit support will be obtained by the trust sponsor to the extent necessary for the certificates to attain the desired rating. The amount of this credit support is set by the rating agencies at a level that is a multiple of the worst historical net credit loss experience for the type of obligations included in the issuing trust.

Provision of Credit Support

19. In some cases, the master servicer, or an affiliate of the master servicer, may provide credit support to the trust (i.e. act as an insurer). Typically, in these cases, the master servicer, in its capacity as servicer, will first advance funds to the full extent that it determines that such advances will be recoverable (a) out of late payments by the obligors, (b) from the credit support provider (which may be itself) or, (c) in the case of a trust that issues subordinated certificates, from amounts otherwise distributable to holders of subordinated certificates, and the master servicer will advance such funds in a timely manner. In some transactions, however, the master Servicer may not be obligated to advance funds, but instead would be called upon to provide funds to cover defaulted payments to the full extent of its obligations as insurer. When the Servicer is the provider of the credit support and provides its own funds to cover defaulted payments, it will do so either on the initiative of the trustee, or on its own initiative on behalf of the trustee, but in either event it will provide such funds to cover payments to the full extent of its obligations under the credit support mechanism.

If the master servicer fails to advance funds, fails to call upon the credit support mechanism to provide funds to cover defaulted payments, or otherwise fails in its duties, the trustee would be required and would be able to enforce the certificateholders' rights, as both a party to the pooling and servicing agreement and the owner of the trust estate, including rights under the credit support mechanism. Therefore, the trustee, who is independent of the servicer, will have the ultimate right to enforce the credit support arrangement.

When a master servicer advances funds, the amount so advanced is recoverable by the servicer out of future payments on receivables held by the trust to the extent not covered by credit support. However, where the master servicer provides credit support to the trust, there are protections in place to guard against a delay in calling upon the credit support to take advantage of the fact that the credit support declines proportionally with the decrease in the principal amount of the obligations in the trust as payments on receivables are passed through to investors. These safeguards include:

(a) There is often a disincentive to postponing credit losses because the sooner repossession or foreclosure activities are commenced, the more value that can be realized on the security for the obligation;

(b) The master servicer has servicing guidelines which include a general policy as to the allowable delinquency period after which an obligation ordinarily will be deemed uncollectible. The pooling and servicing agreement will require the master servicer to follow its normal servicing guidelines and will set forth the master servicer's general policy as to the period of time after which delinquent obligations ordinarily will be considered uncollectible;

(c) As frequently as payments are due on the receivables included in the trust (monthly, quarterly or semi-annually, as set forth in the pooling and servicing agreement), the master servicer is

required to report to the independent trustee the amount of all past-due payments and the amount of all servicer advances, along with other current information as to collections on the receivables and draws upon the credit support. Further, the master servicer is required to deliver to the trustee annually a certificate of an executive officer of the master servicer stating that a review of the servicing activities has been made under such officer's supervision, and either stating that the master servicer has fulfilled all of its obligations under the pooling and servicing agreement or, if the master servicer has defaulted under any of its obligations, specifying any such default. The master servicer's reports are reviewed at least annually by independent accountants to ensure that the master servicer is following its normal servicing standards and that the master servicer's reports conform to the master servicer's internal accounting records. The results of the independent accountants' review are delivered to the trustee; and

(d) In cases where the master servicer and the insurer are affiliated or are the same entity, the credit support has a "floor" dollar amount that protects investors against the possibility that a large number of credit losses might occur towards the end of the life of the trust, whether due to servicer advances or any other cause. The floor amount may be a fixed dollar amount or a multiple of the balance of one or more of the largest obligations outstanding. Once the floor amount has been reached, the servicer lacks an incentive to postpone the recognition of credit losses because the credit support amount becomes a fixed dollar amount, subject to reduction only for actual draws. From the time that the floor amount is effective until the end of the life of the trust, there are no proportionate reductions in the credit support amount caused by reductions in the pool principal balance. Indeed, where the floor is a fixed dollar amount, the amount of credit support ordinarily increases as a percentage of the pool principal balance during the period that the floor is in effect.

Disclosure

20. In connection with the original issuance of certificates, the prospectus or private placement memorandum will be furnished to investing plans. The prospectus or private placement memorandum will contain information material to a fiduciary's decision to invest in the certificates, including:

(a) Information concerning the payment terms of the certificates, the rating of the certificates, and any material risk factors with respect to the certificates;

(b) A description of the trust as a legal entity and a description of how the trust was formed by the seller/servicer or other sponsor of the transaction;

(c) Identification of the independent trustee for the trust;

(d) A description of the receivables contained in the trust, including the types of receivables, the diversification of the receivables, their principal terms, and their material legal aspects;

(e) A description of the sponsor and servicer;

(f) A description of the pooling and servicing agreement, including a description of the seller's principal representations and warranties as to the trust assets and the trustee's remedy for any breach thereof; a description of the procedures for collection of payments on receivables and for making distributions to investors, and a description of the accounts into which such payments are deposited and from which such distributions are made; identification of the servicing compensation and any fees for credit enhancement that are deducted from payments on receivables before distributions are made to investors; a description of periodic statements provided to the trustee, and provided to or made available to investors by the trustee; and a description of the events that constitute events of default under the pooling and servicing contract and a description of the trustee's and the investors' remedies incident thereto;

(g) A description of the credit support;

(h) A general discussion of the principal federal income tax consequences of the purchase, ownership and disposition of the pass-through securities by a typical investor;

(i) A description of the underwriters' plan for distributing the pass-through securities to investors; and

(j) Information about the scope and nature of the secondary market, if any, for the certificates.

21. Reports indicating the amount of payments of principal and interest are provided to certificateholders at least as frequently as distributions are made to certificateholders. Certificateholders will also be provided with periodic information statements setting forth material information concerning the underlying assets, including, where applicable, information as to the amount and number of delinquent and defaulted loans or receivables.

22. In the case of a trust that offers and sells certificates in a registered public offering, the trustee, the servicer or the sponsor will file such periodic reports as may be required to be filed under the Securities Exchange Act of 1934. Although some trusts that offer certificates in a public offering will file quarterly reports on Form 10–Q and Annual Reports on Form 10–K, many trusts obtain, by application to the Securities and Exchange Commission, a complete exemption from the requirement to file quarterly reports on Form 10–Q and a modification of the disclosure requirements for annual reports on Form 10–K. If such an exemption is obtained, these trusts normally would continue to have the obligation to file current reports on Form 8–K to report material developments concerning the trust and the certificates. While the Securities and Exchange Commission's interpretation of the periodic reporting requirements is subject to change, periodic reports concerning a trust will be filed to the extent required under the Securities Exchange Act of 1934.

23. At or about the time distributions are made to certificateholders, a report will be delivered to the trustee as to the status of the trust and its assets, including underlying obligations. Such report will typically contain information regarding the trust's assets, payments received or collected by the servicer, the amount of prepayments, delinquencies, servicer advances, defaults and foreclosures, the amount of any payments made pursuant to any credit support, and the amount of compensation payable to the servicer. Such report also will be delivered to or made available to the rating agency or agencies that have rated the trust's certificates.

In addition, promptly after each distribution date, certificateholders will receive a statement prepared by the trustee summarizing information regarding the trust and its assets. Such statement will include information regarding the trust and its assets, including underlying receivables. Such statement will typically contain information regarding payments and prepayments, delinquencies, the remaining amount of the guaranty or other credit support and a breakdown of payments between principal and interest.

Secondary Market Transactions

24. It is PaineWebber's normal policy to attempt to make a market for securities for which it is lead or co-managing underwriter, and it is PaineWebber's intention to attempt to make a market for any certificates for

which PaineWebber is lead or co-managing underwriter.

Retroactive Relief

25. PaineWebber has requested that the relief proposed herein be made retroactive to January 1, 1987, which is the date upon which PaineWebber states that the representations made herein and the conditions of this proposed exemption are satisfied. PaineWebber does not believe that it has engaged in any prohibited transactions that would be covered by the requested exemption. However, since January 1, 1987, it is possible that some transactions may have occurred that would be prohibited. For example, because many certificates are held in street or nominee name, it is not always possible to identify whether the percentage interest of plans in a trust is or is not "significant" for purposes of the Department's regulation relating to the definition of plan assets (29 CFR 2510.3–101(f)). These problems are compounded as transactions occur in the secondary market. In addition, with respect to the "publicly-offered security" exception contained in that regulation (29 CFR 2510.3–101(b)), it is difficult to determine whether each purchaser of a certificate is independent of all other purchasers.

Summary

26. In summary, the applicant represents that the transactions for which exemptive relief is requested satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) The trusts contain "fixed pools" of assets. There is little discretion on the part of the trust sponsor to substitute receivables contained in the trust once the trust has been formed;

(b) Certificates in which plans invest will have been rated in one of the three highest rating categories by S&P's, Moody's, D&P or Fitch. Credit support will be obtained to the extent necessary to attain the desired rating;

(c) All transactions for which PaineWebber seeks exemptive relief will be governed by the pooling and servicing agreement, which is made available to plan fiduciaries for their review prior to the plan's investment in certificates;

(d) Exemptive relief from sections 406(b) and 407 for sales to plans is substantially limited; and

(e) PaineWebber has made, and anticipates that it will continue to make, a secondary market in certificates.

Discussion of Proposed Exemption

I. Differences Between Proposed Exemption and Class Exemption PTE 83–1

The exemptive relief proposed herein is similar to that provided in PTE 81–7 (46 FR 7520, January 23, 1981), Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts, amended and restated as PTE 83–1 (48 FR 895, January 7, 1983).

PTE 83–1 applies to mortgage pool investment trusts consisting of interest-bearing obligations secured by first or second mortgages or deeds of trust on single-family residential property. The exemption provides relief from sections 406(a) and 407 for the sale, exchange or transfer in the initial issuance of mortgage pool certificates between the trust sponsor and a plan, when the sponsor, trustee or insurer of the trust is a party-in-interest with respect to the plan, and the continued holding of such certificates, provided that the conditions set forth in the exemption are met. PTE 83–1 also provides exemptive relief from section 406 (b)(1) and (b)(2) of the Act for the above-described transactions when the sponsor, trustee or insurer of the trust is a fiduciary with respect to the plan assets invested in such certificates, provided that additional conditions set forth in the exemption are met. In particular, section 406(b) relief is conditioned upon the approval of the transaction by an independent fiduciary. Moreover, the total value of certificates purchased by a plan must not exceed 25 percent of the amount of the issue, and at least 50 percent of the aggregate amount of the issue must be acquired by persons independent of the trust sponsor, trustee or insurer. Finally, PTE 83–1 provides conditional exemptive relief from section 406 (a) and (b) of the Act for transactions in connection with the servicing and operation of the mortgage trust.

Under PTE 83–1, exemptive relief for the above transactions is conditioned upon the sponsor and the trustee of the mortgage trust maintaining a system for insuring or otherwise protecting the pooled mortgage loans and the property securing such loans, and for indemnifying certificateholders against reductions in pass-through payments due to defaults in loan payments or property damage. This system must provide such protection and indemnification up to an amount not less than the greater of one percent of the aggregate principal balance of all trust mortgages or the principal balance of the largest mortgage.

The exemptive relief proposed herein differs from that provided by PTE 83–1 in the following major respects: (1) The proposed exemption provides individual exemptive relief rather than class relief; (2) The proposed exemption covers transactions involving trusts containing a broader range of assets than single-family residential mortgages; (3) Instead of requiring a system for insuring the pooled receivables, the proposed exemption conditions relief upon the certificates' having received one of the three highest ratings available from S&P's, Moody's, D&P or Fitch (insurance or other credit support would be obtained only to the extent necessary for the certificates to attain the desired rating); and (4) The proposed exemption provides more limited section 406(b) and section 407 relief for sales transactions.

II. Ratings of Certificates

After consideration of the representations of the applicant and information provided by S&P's, Moody's, D&P and Fitch, the Department has decided to condition exemptive relief upon the certificates' having attained a rating in one of the three highest generic rating categories from S&P's, Moody's, D&P or Fitch. The Department believes that the rating condition will permit the applicant flexibility in structuring trusts containing a variety of mortgages and other receivables while ensuring that the interests of plans investing in certificates are protected. The Department also believes that the ratings are indicative of the relative safety of investments in trusts containing secured receivables. The Department is conditioning the proposed exemptive relief upon each particular type of asset-backed security having been rated in one of the three highest rating categories for at least one year and having been sold to investors other than plans for at least one year.[9]

[9] In referring to different "types" of asset-backed securities, the Department means certificates representing interests in trusts containing different "types" of receivables, such as single family residential mortgages, multi-family residential mortgages, commercial mortgages, home equity loans, auto loan receivables, installment obligations for consumer durables secured by purchase money security interests, etc. The Department intends this condition to require that certificates in which a plan invests are of the type that have been rated (in one of the three highest generic rating categories by S&P's, D&P, Fitch or Moody's) and purchased by investors other than plans for at least one year prior to the plan's investment pursuant to the proposed exemption. In this regard, the Department does not intend to require that the particular assets contained in a trust must have been "seasoned" (e.g., originated at least one year prior to the plan's investment in the trust).

III. Limited Section 406(b) and Section 407(a) Relief for Sales

PaineWebber represents that in some cases a trust sponsor, trustee, servicer, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates may be a pre-existing party in interest with respect to an investing plan.[10] In these cases, a direct or indirect sale of certificates by that party in interest to the plan would be a prohibited sale or exchange of property under section 406(a)(1)(A) of the Act.[11] Likewise, issues are raised under section 406(a)(1)(D) of the Act where a plan fiduciary causes a plan to purchase certificates where trust funds will be used to benefit a party in interest.

Additionally, PaineWebber represents that a trust sponsor, servicer, trustee, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates representing an interest in a trust may be a fiduciary with respect to an investing plan. PaineWebber represents that the exercise of fiduciary authority by any of these parties to cause the plan to invest in certificates representing an interest in the trust would violate section 406(b)(1), and in some cases section 406(b)(2), of the Act.

Moreover, PaineWebber represents that to the extent there is a plan asset "look through" to the underlying assets of a trust, the investment in certificates by a plan covering employees of an obligor under receivables contained in a trust may be prohibited by sections 406(a) and 407(a) of the Act.

After consideration of the issues involved, the Department has determined to provide the limited sections 406(b) and 407(a) relief as specified in the proposed exemption.

For Further Information Contact: Joseph L. Roberts III of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

[10] In this regard, we note that the exemptive relief proposed herein is limited to certificates with respect to which PaineWebber or any of its affiliates is either (a) the sole underwriter or manager or comanager of the underwriting syndicate, or (b) a selling or placement agent.

[11] The applicant represents that where a trust sponsor is an affiliate of PaineWebber, sales to plans by the sponsor may be exempt under PTE 75-1, Part II (relating to purchases and sales of securities by broker-dealers and their affiliates), if PaineWebber is not a fiduciary with respect to plan assets to be invested in certificates.

Lung Physicians of Central Connecticut, P.C. Money Purchase Pension Plan (the Plan) Located in Hartford, Connecticut

[Exemption Application No. D-8112]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale by the Plan of one half of one unit in the East Hartford-Gateway Limited Partnership (the Partnership) to Robert E. Mueller, M.D. (Dr. Mueller), a party in interest with respect to the Plan; provided that all terms of such transaction are at least as favorable to the Plan as those which the Plan could obtain in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a defined contribution plan with nine participants and assets of $490,000 as of June 1, 1989. The Plan sponsor is the Lung Physicians of Central Connecticut, P.C. (the Employer), a Connecticut professional corporation engaged in the practice of medicine in Hartford, Connecticut. The trustees of the Plan (the Trustees) are Dr. Mueller, R. Frederic Knauft, M.D., Eric T. Shore, M.D., and Michael M. Conway, M.D., each of whom is an officer and/or employee of the Employer. The Plan provides for individual participant accounts and participant-directed investment of such accounts. Dr. Mueller's account in the Plan (the Account) held a balance of $153,430.62 as of June 1, 1989.

2. On February 14, 1987 Dr. Mueller directed the Trustees to invest $50,000 from the Account in the purchase of one half of one unit (the Interest) of limited partnership interest in the Partnership, a Connecticut real estate limited partnership. The Partnership issued a total of 32 units of limited partnership interest. Dr. Mueller represents that the Account's purchase of the Interest in the Partnership did not constitute a violation of the prohibited transaction provisions of the Act or Code and that, aside from the Account's purchase of the Interest, he made no other investment in the Partnership.

On February 27, 1987, the Partnership purchased an apartment complex (the Complex) in East Hartford, Connecticut which had been described in the offering memorandum for the Partnership as the intended primary Partnership investment. After the Partnership purchased the Complex, the limited partners of the Partnership (the Limited Partners) approved the conversion of the Complex to condominiums for marketing and sale as individual condominium units (the Condos). Dr. Mueller represents that this conversion to Condos, which occurred October 7, 1987, was based upon then-prevailing favorable market conditions for condominium sales. However, as of May 31, 1989, only 36 of the total of 156 Condos had been sold, due to a general depression in the real estate market in the East Hartford area. Dr. Mueller explains that the pace of sales of the Condos proved to be insufficient to generate the necessary cash flow to fund maintenance of the Condos. As a result, the general partners of the Partnership (the General Partners) made a series of loans to the Partnership (the Loans) to fund the ongoing cash flow deficit.

3. On June 6, 1989, the General Partners notified the Limited Partners that they were unable to fund any further losses of the Partnership with additional Loans due to the continuing decline of the subject real estate market and the difficulty of obtaining additional funds because of the concern of banks upon which the General Partners had been relying to fund the Loans. At this time the General Partners were faced with the possibilities of capital calls to the Limited Partners or default on the Loans by the Partnership. The applicant represents that a default on the Loans would lead to foreclosure on the Partnership, which could result in total loss of Limited Partners' invested capital.

After the Limited Partners rejected the option of additional cash contributions in response to a cash call to fund future cash shortages, the General Partnership proposed an alternative to foreclosure on the Loans (the Offer). The General Partners are offering to sell to each Limited Partner, at a discounted price, one Condo for each $25,000 of initial investment in units in the Partnership. The sale prices of the Condos pursuant to the Offer are approximately 80 percent of the Condos' appraised fair market value. After all Condos are purchased, the Limited Partnership would be dissolved. After dissolution of the Partnership, the Limited Partners would receive approximately twenty percent of the original investments in the Partnership units, but the actual

amount of such distribution would depend on the pace of sales of the Condos, since delayed sales would increase maintenance expenses borne by the partnership.

If a Limited Partner elects not to purchase a Condo pursuant to the Offer, the Limited Partner will receive as a return of the original investment in the Partnership units a pro rata share of the Partnership assets available after sale of all Condos and payment of all Partnership obligations outstanding. Dr. Mueller represents that such a Limited Partner may lose the entire original investment in the Partnership units, due to current market conditions, depending on the length of time required for Partnership dissolution.

4. The Trustees and Dr. Mueller have determined that it would be imprudent for the Account to purchase any interest in the Condos in response to the Offer because of the considerable risk associated with ownership of condominium units under prevailing market conditions and the impracticality of managing the rental, maintenance and marketing of the Condos on behalf of the Account pending resale. The Trustees and Dr. Mueller have also determined that it would be imprudent to allow the Plan to proceed as a Limited Partner which does not elect the Offer, thereby risking total loss of the original investment in the Interest. In order to prevent either of the unfavorable alternatives for the Account, and to enable the Account to recoup its original investment in the Partnership with a favorable return, Dr. Mueller proposes to purchase the Interest from the Account under the terms described herein. For this transaction the Trustees and Dr. Mueller are requesting an exemption.

5. Dr. Mueller will pay the Account cash for the Interest in the amount of $50,000 plus interest of ten percent per annum effective February 14, 1987 through the date of the sale. Dr. Mueller will also pay any and all expenses related to the sale transaction. Dr. Mueller and the Trustees represent that under the particular circumstances the Interest is not marketable to unrelated parties. As of March 1, 1989 the fair market value of the Complex was $8,600,000, not including any debts of the Partnership, according to Edward F. Heberger, MAI, CRE (Heberger), an independent professional real estate appraiser in Hartford, Connecticut. The Trustees and Dr. Mueller represent that the Complex has been and remains the sole asset of the Partnership and that unfavorable market conditions relevant to the Condos have not changed since Heberger's appraisal.

According to Merrick R. Kleeman (Kleeman), one of the General Partners and a principal with the firm of Barres-Kleeman Properties in Mystic, Connecticut, as of January 5, 1990, the pro rata share of Partnership assets available for distribution, upon Partnership dissolution, to an investor of $50,000 in the Partnership was $5,932, based upon Heberger's valuation of the Complex and total outstanding Partnership debts and obligations of $7,302,000. Dr. Mueller represents that $5,932 represents the amount which the Account would receive for its investment of $50,000 in the Partnership assuming a January 1, 1990 dissolution of the Partnership. Accordingly, the Trustees and Dr. Mueller represent that the proposed purchase price of $50,000 plus a return of ten percent per annum constitutes a purchase price in excess of the Interest's fair market value as determined by the valuations of Kleeman and Heberger.

6. In summary, the applicants represent that the proposed transaction satisfies the criteria of section 408(a) of the Act for the following reasons: (1) The Account will receive cash for the Interest in the amount of its original investment in the Interest plus a return of 10 percent per annum; (2) The Account will not incur any expenses related to the transaction; (3) The proposed transaction will prevent the Account from the possibility of future losses with respect to its investment in the Interest; (4) The proposed transaction will enable the Account to dispose of a non-income-producing asset which has become unmarketable to unrelated parties; and (5) Dr. Mueller, the only Plan participant to be affected by the proposed transaction, desires that the transaction be consummated.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution by the sponsoring employer to the plan, and therefore must be examined under the applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons: Because Dr. Mueller is the sole participant in the Plan who will be affected by the proposed transaction, the Department has determined that there is no need to distribute the notice of pendency to interested persons. Comments and requests for a hearing must be received by the Department within 30 days of the date of publication of this notice of proposed exemption.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that such application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 16th day of March 1990.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 90-6546 Filed 3-21-90; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 90-5; Exemption Application No. D-7846 et al.]

Grant of Individual Exemptions; Retirement System for Savings Institutions (RSSI) et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Retirement System for Savings Institutions (RSSI) Located in New York, NY

[Prohibited Transaction Exemption 90-5; Exemption Application No. D-7846]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to: (1) The proposed initial acquisition of shares of Newco by RSSI from Newco by means of transferring the operating assets and business of RSSI to Newco in exchange for Newco stock; (2) the proposed purchase of Newco stock by a member of Newco's management from a plan owning units in the investment funds offered by RSSI (a Participating Plan); (3) the proposed purchase of Newco stock by a Participating Plan from Newco or another Participating Plan which is a party in interest by reason of ownership of Newco stock; and (4) the proposed purchase of Newco stock by Newco from the Newco Stock Fund maintained by RSSI or an independent trustee, provided the terms of all the transactions are not less favorable to the Participating Plans than those obtainable in arm's-length transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 13, 1989, at 54 FR 51242.

Written Comments: The Department received one written comment with respect to the proposed exemption which was submitted by the applicants. The applicants represent that the Securities and Exchange Commission has required, by letter dated December 18, 1989, that an independent corporate trustee be substituted for RSSI as the legal owner of the Newco stock, so that a rule prohibiting a mutual fund from holding stock in its investment advisor would not be violated.

Accordingly, the applicants represent that RSSI will not become the legal owner of Newco stock following its transfer to Newco of the appropriate RSSI assets in exchange for Newco stock. Following such exchange, RSSI would transfer such shares to a corporate trustee which, although selected by RSSI, would be independent of RSSI, Newco and the Participating Plans. In all other aspects, the transactions will proceed as described in the notice of proposed exemption.

The Department has considered the comment and has modified the exemption for transaction 4, above, to take into account the existence of the independent trustee who will become the owner of the Newco shares.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. This is not a toll-free number.)

Prudential Insurance Corporation of America (Prudential) Located in Newark, NJ

[Prohibited Transaction Exemption 90-6; Exemption Application No. D-7965]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale, on February 10, 1989, of a parcel of unimproved real property (the Property) by Prudential's General Account (the General Account) to a limited partnership (the Partnership) in which the Prudential Retirement System for United States Employees and Special Agents (the PruPlan) holds a 50 percent limited partnership interest, provided the amount paid by the PruPlan for its interest in the Property was not more than fair market value at the time the transaction was consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on September 14, 1989 at 54 FR 38006.

Effective Date: This exemption is effective February 10, 1989.

Written Comments: The Department received 29 written comments to the notice of proposed exemption and no requests for a public hearing. All of the comments were submitted by participants in the PruPlan who are retirees. Of the written comments received, three commentators stated that they were in favor of the Department's granting the notice of proposed exemption. Four commentators could not be reached by either mail or telephone in order to discuss their comments despite repeated attempts to do so by the Department. Seven commentators withdrew their comments after conferring with a representative of the Department. Fifteen commentators objected to the

notice of proposed exemption for a variety of reasons.

Of the fifteen objecting commentators, two participants said they were opposed to the notice of proposed exemption but they did not express specific reasons for their opposition. Two other participants explained that they were opposed to the notice of proposed exemption for reasons that were unrelated to the subject sale transaction. The specific concerns raised by the remaining participants substantially overlapped and concerned: (1) A possible discrepancy between the purchase price originally paid by the General Account for the Property, and that subsequently paid by the Partnership; (2) the prudence of real estate as an investment for pension plans; (3) the effect of the depreciation in value of high-technology properties located in the Boston, Massachusetts area on the subject Property; (4) the appraisal methodology utilized by the Boston Financial Commercial Group (BFCG) in its valuation of the Property; and (5) the feasibility of using a guaranteed maximum investment contract (the Contract) as a safeguard for controlling construction costs. In response to the unfavorable comments, the Department requested that BFCG, the independent appraiser of the Property as well as the PruPlan's independent fiduciary address the issues raised therein.

1. *Purchase Price Discrepancy.* With respect to the $11 million acquisition price that the Partnership had paid for the Property, BFCG noted that several commentators had observed that the purchase price for the Property appeared to be "high" in comparison to the $2.9 million purchase price Prudential's General Account had expended for the Property in July 1987. These commentators asked how the Property could have appreciated so greatly in value in a period of about 18 months and whether a significant economic change had occurred.

BFCG explained that Prudential had acquired an option to purchase the Property in 1981 from the Gillette Corporation (Gillette), at which time approval of a site plan applicable to the Property was in dispute. BFCG said that this uncertainty substantially increased the investment risk associated with the Property and adversely affected its value. When the uncertainty was removed as a result of a court ruling in favor of Prudential, BFCG states that the Property increased in value.

Under the option contract with Gillette, BFCG explained that Prudential was given the right to purchase the Property for $6 per square foot of net buildable area plus all accrued real estate taxes. BFCG further stated that Prudential was entitled to exercise the option until the termination of the litigation involving the site plan approval. Because Prudential had the right to purchase the Property in 1987 at the 1981 option price, BFCG noted that Prudential could benefit from the appreciation in real estate values from 1981 to 1987. With the conclusion of the lawsuit in 1987, BFCG stated that Prudential exercised the option to purchase the Property at the adjusted 1981 price.

2. *Prudence of Real Estate as a Plan Investment.* BFCG noted that several other commentators were concerned by the fact that real estate investments such as the subject Property were an unacceptably speculative type of investment for pension plans, and in particular, the PruPlan. In response to this concern, BFCG explained that any real estate investment involves a certain degree of risk as well as the potential for generating a favorable rate of return. However, BFCG said it believed that real estate investments involving development property would not generally pose an unacceptable risk of loss to large, well-funded pension plans. Although BFCG noted that the PruPlan would probably invest, as a limited partner in the Partnership, approximately $25 million in acquiring and developing the Property, it stated that this amount would represent only .6 percent of the PruPlan's approximately $4.25 billion in assets.

3. *Effect of Decline in Value of Boston High-Technology Properties on the Property.* A few commentators noted that the high-technology corridor surrounding Boston had experienced a decline in some segments of its economic base. These commentators felt that this depreciation in property values could have a detrimental effect on the value of the subject Property as well as on its vacancy rates. BFCG said it was aware that facilities designed for research, development and production in high-technology industries were not currently in as high demand as they had been in recent years, and that reduced demand had affected the rental rates of these properties. However, BFCG explained that the design of the Property was not for the specialized needs of high-technology firms but rather for office use intended to appeal to a broad range of commercial enterprises including the financial services industry. In this regard, BFCG noted that a number of financial services and other large national firms had expressed an interest in leasing the Property.

4. *Appraisal Methodology Utilized by BFCG.* With respect to the appraisal of the Property, one commentator asserted that market sales should not have been the sole basis on which the land value of the Property had been determined. This commentator believed that BFCG should have performed a "land residual value analysis" as an additional valuation method.

In response to this comment, BFCG stated that it used three approaches in its valuation of the Property, namely, the Cost Approach; the Market Sales Approach; and the Income Approach in which a land residual value analysis had been performed. BFCG explained that the Income Approach supported a land value of $11,080,000. Based upon this land value, BFCG said it determined that the purchase of the Property by the Partnership fit within the investment standards established for the PruPlan.

5. *Use of a Guaranteed Maximum Construction Contract as a Construction Cost Safeguard.* One commentator objected to the use of the Contract due to concern that the Partnership would be confronted with unexpected construction costs particularly if the Contract had been based upon "incomplete" plans. The commentator also felt that the use of this type of contract would benefit the contractor and diminish the owner's ability to negotiate with the contractor.

BFCG represented that although the Partnership's Contract was based upon complete plans, no contract could eliminate the possibility that additional costs could be incurred after construction had begun. BFCG asserted that the Partnership's Contract provided that additional costs would be incurred only if the Partnership specifically authorized a change. Moreover, BFCG explained that the Partnership would retain oversight over the subcontractors' bidding process and the Partnership had negotiated the right to retain cost savings achieved in construction. Thus, BFCG concluded that the Contract would effectively protect the Partnership from unexpected increases in construction costs while permitting the Partnership to benefit from any decreases in such costs.

Accordingly, after consideration of the entire record, including the comments submitted by the PruPlan participants and the response to these comments by BFCG, the Department has determined to grant the exemption as proposed.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Biological Science Textbooks, Inc. Employees Profit Sharing Plan and Trust (the Plan) Located in Old Tappan, New Jersey

[Prohibited Transaction Application 90–7; Exemption Application No. D–7974]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the past and continuing loans made by the Plan to: (1) Gerald J. Tortora and Mrs. Geraldine C. Tortora, trustees of the Plan and as such disqualified persons with respect to the Plan (Loan 1); and (2) Lynne M. Borghesi and James J. Borghesi, the daughter and son-in-law of Mr. Tortora, and as such disqualified persons with respect to the Plan (Loan 2; collectively, the Loans); provided the terms of the Loans have been and will remain at least as favorable to the Plan as those obtainable in an arms-length transaction with an unrelated party.[1]

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 29, 1990 at 55 FR 2894/2895.

EFFECTIVE DATES: This grant is effective January 1, 1988 with respect to Loan 1 and August 7, 1986 with respect to Loan 2.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

University Orthopedics and Sports Medicine, P.C. Profit Sharing Plan and Money Purchase Pension Plan (the Plans) Located in Syracuse, New York

[Prohibited Transaction Exemption 90–8; Exemption Application Nos. D–8044 and D–8045]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4875(c)(1)(A) through (E) of the Code, shall not apply to a loan of money from certain individual accounts in the Plans to U.O.S. Properties, a party in interest with respect to the Plans, provided the terms of the loan are at least as favorable as the Plans could obtain in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 28, 1989, at 54 FR 53401.

FOR FURTHER INFORMATION CONTACT: Paul Kelty of the Department, telephone (202) 523–8194. (This is not a toll-free number).

Profit Sharing Plan of NVR L.P. and Affiliated Companies (the Plan) Located in Pittsburgh, Pennsylvania

[Prohibited Transaction Exemption 90–9; Exemption Application No. D–8079]

Exemption

The restrictions of sections 406(a), (b)(1), (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4875(c)(1)(A) through (E) of the Code, shall not apply to: (1) the September 14, 1989 contribution to the Plan by Ryan Homes, Inc., a party in interest with respect to the Plan, of 480,680 master limited partnership common units (the Units) of NVR L.P. (NVR), provided that the Units were valued at no greater than their fair market value at the time of contribution; (2) the Plan's holding of such Units; and (3) the contribution to and holding by the Plan of an irrevocable put option which permits the Plan to sell the Units to NVR at a price per Unit of $7.50.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 28, 1989, at 54 FR 53402.

EFFECTIVE DATES: This exemption is effective from September 14, 1989 through September 14, 1999.

Written Comments: The Department received one written comment with respect to the proposed exemption. The commentator requested that the proposed exemption be denied because the value of the Units had declined and may become worthless if NVR were to become bankrupt. The commentator stated that she did not feel that the accounts in the Plan would be secure if NVR were permitted to make contributions in the form of Units instead of cash.

The Plan's independent fiduciary, Pittsburgh National Bank (the Bank), responded to this comment. The Bank stated that prior to its acceptance of the Units on behalf of the Plan, internal trust investment personnel reviewed NVR's financial situation and determined that NVR has performed well financially and that such performance is forecast for the long term. It was determined that the Units have the potential for appreciation over the long term and that the Units are comparable, as an investment, with the common stock of similarly situated corporations. It was further determined that the addition of the Units adds diversification to the Plan's investment portfolio.

The Bank further represents that the following safeguards are in place to prevent the Plan's suffering a loss with respect to the Units: (1) The Bank monitors the value of the Units on a weekly basis and monitors NVR's financial statements on a continuing basis. Although the value of the Units has declined since the contribution date, this is primarily due to a general market decline of the residential construction sector; (2) The Bank has the right to put the Units to NVR at the price of $7.50 per Unit which was the fair market value as of the date of contribution. The Bank will exercise this put as necessary to safeguard the value of the contribution; and (3) NVR has established a separate trust with $300,000 from NVR's general assets which can be drawn upon to make up the difference if any open market sales of the Units by the Plan are at a price less than $7.50 per Unit. The Bank can require additional funds to be added to this trust by NVR based upon the Bank's constant monitoring of the value of the Units.

The Department has considered the entire record, including the comment submitted and the response to the comment submitted by the Bank, and has determined to grant the exemption as it was proposed.

FOR FURTHER INFORMATION CONTACT: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Friedman, Sloan & Ross Profit Sharing Plan and Friedman, Sloan & Ross Money Purchase Plan (the Plans) Located in San Francisco, California

[Prohibited Transaction Exemption 90–10; Exemption Application Nos. D–8081 and D–8082]

Exemption

The restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of 1500 shares of stock (the Stock) in Blue Chip Cookies, Inc. to Mr. Stanley J. Friedman (Mr. Friedman), a party in

[1] Because Mr. Tortora is the only participant in the Plan and the Employer is wholly owned by Mr. Tortora, there is no jurisdiction under title I of the Act pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under title II of the Act pursuant to section 4975 of the Code.

interest with respect to the Plans, from Mr. Friedman's separate account in the Plans; provided that the sales price is not less than the fair market value of the Stock as determined by an independent, qualified appraiser at the time of the sale.

For a more complete statement of facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 28, 1989 at 54 FR 53400.

FOR FURTHER INFORMATION CONTACT: Kay Madsen of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Edward J. Brenner, P.C. Defined Benefit Pension Plan (the Plan) Located In Punta Gorda, Florida

[Prohibited Transaction Exemption 90–11; Exemption Application No. D–8111]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the transfers (the Transfers) of certain securities (the Securities) from Edward J. Brenner, P.C., the Plan sponsor (the Plan Sponsor), to the Plan, and to the sale (the Sale) of a GNMA-guaranteed certificate (the GNMA) by the Plan Sponsor to the Plan, provided that the Transfers and Sale to the Plan were at the fair market value of the Securities and GNMA as of the dates of the transaction.

For a more complete statement of facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on January 29, 1990 at 55 FR 2902.

EFFECTIVE DATE: March 23, 1988.

FOR FURTHER INFORMATION CONTACT: Joseph L. Roberts III of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is subject to the exemption.

Signed at Washington, DC, this 16th day of March, 1990.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 90–6547 Filed 3–21–90; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE (NCLIS)

White House Conference Advisory Committee; Meetings

Date and Time: Apr. 4th 1990, 1:00 p.m. to 9:30 p.m., Apr. 5th 1990, 8:00 a.m. to 9:00 p.m.; Apr. 6th 1990, 9:00 a.m. to 3:00 p.m.

Place:

Ramada Renaissance Hotel, Route 28 (Sully Rd.) at McLearen Rd., Herndon, Va. 22071, Ph. 1 703 478–2900

Advisory Committee in Grand Ballroom #3, Subcommittee meeting locations to be posted in the lobby

Status: All meetings are OPEN

Matters To Be Discussed: White House Conference on Library and Information; Services Subcommittee meetings:

April 4, 1990—2:00–3:00 p.m., Meeting of Subcommittee Chairmen

3:00–5:00 p.m., Public Relations and Awareness; Delegate Credentialing Criteria

5:00–6:30 p.m., Background and Reference Information Development; White House Conference, Honorary Chairman Selection

6:30–800 p.m., National Conference Program Planning; Pre-conference Activities

8:00–9:30 p.m., Resources; Issues Identification & Development/Results Processing Framework, Recommendation

April 5, 1990

8:00–9:45 a.m., Public & Private Sector Liaison

White House Conference on Library and Information Services Advisory Committee Meeting:

10:00 a.m.–10:30 a.m., Executive Director's Report

10:30 a.m.–11:45 a.m., Background & Reference Information Development Subcommittee Report

Delegate Credentialing Criteria, Subcommitee Report

White House Conference Honorary Chairman Selection Subcommittee Report

Noon–1:00 p.m., Fiscal Oversight Subcommittee Report

National Conference Program Planning Subcommittee Report

Preconference Activities Subcommittee Report

1:15–4:00 p.m., Public & Private Sector Liaison Subcommittee Report

Public Relations & Awareness Subcommittee Report

Resources Subcommittee Report

Issues Identification & Development/ Results Processing Framework Recommendation Subcommittee Report

4:00–5:00 p.m., Public Comment Time

6:30–9:00 p.m., Discussion of State Activities

April 6, 1990

9:00 a.m.–2:30 p.m., Discussion of National Conference Goals, Format and Program; Efforts to Ensure Broad Participation; Resources; Substance of Conference; Outcomes Desired; Experiences from 1979 White House Conference

2:30–3:00 p.m., Old and New Business

3:00 p.m., Adjourn

Persons appearings before, or submitting only written statements to the Advisory Committee, are asked to hand over to the Committee prior to presenting testimony, 80 copies of their prepared statement. This will insure that ample copies are available for the members of the Advisory Committee, the attending press and the observers.

Special provisions will be made for handicapped individuals by contacting

John W.A. Parsons (1–202) 254–5100, no later than one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Mary Alice Hedge Reszetar, White House Conference on Library and Information Services, Designated Federal Official, 1111 18th Street, NW., Suite 310, Washington, DC 20036, (1–202) 254–3100

Dated: March 16, 1990.

Mary Alice Hedge Reszetar,

Designated Federal Official.

[FR Doc. 90–6512 Filed 3–21–90; 8:45 am]

BILLING CODE 3165–01–M

NATIONAL SCIENCE FOUNDATION

Young Scholars Projects for High Ability and High Potential Secondary School Students; Guidelines for Proposal Submission and Notice of Submission Deadline

Introduction

The Research Career Development Division of the Directorate for Science and Engineering Education (SEE) manages and coordinates a variety of programmatic efforts that aid young men and women in their development toward productive research and teaching careers in science, mathematics and engineering. Each effort, in its own way, focuses on a period in the lives of such students during which important career options must be analyzed and critical choices made. The designation of a field of specialization, selection of a graduate school, and choice of first employing organization are decisions made during periods targeted by current Division activities—periods when a modest amount of individual support can stimulate the development of careers that will strengthen the academic base and economic competitiveness of the United States.

One of the first decisions for young men and women is the choice of a career. For many the commitment to a career in science, mathematics, or engineering begins to develop during their secondary school years. In order to assist students in reaching an informed decision about a potential career in science, the National Science Foundation initiated in Fiscal Year 1988 the NSF Young Scholars Program, which offers two-year continuing awards, with a second year of support contingent on NSF review of project activities and the availability of funds. In its first two years of operation, the Young Scholars Program supported 137 projects which provided enrichment experiences in science, mathematics and engineering for more than 7,000 high ability or high potential secondary school students during the summers of 1988 and 1989.

The underrepresentation of women, minorities and the disabled at the advanced levels of science, mathematics and engineering deprives the Nation of much potential talent. Consequently the Foundation strongly encourages the full participation of members from these groups as proposers, staff and participants.

Goals/Scope

The goals of the Young Scholars Program are to:

- Increase participant knowledge of and exposure to science, mathematics and/or engineering as careers in order to facilitate their making realistic decisions based on the full range of career options available;
- stimulate participant interest in science disciplines as possible career choices;
- Increase student awareness of the academic preparation necessary for such careers;
- Acquaint students with the environment and resources of universities, colleges and research organizations;
- Contribute to students' confidence in their ability to make career decisions.

These experiences with the scientific enterprise should develop student awareness of the work of scientists through a variety of activities including:

- Intellectually challenging experiences which are not a part of the school curriculum,
- Experiences in laboratories and classrooms that broaden understanding of the subject matter through first-hand experience in the research process,
- Personal interaction with researchers by working side-by-side with them,
- Career guidance by scientists and educational counseling personnel,
- Discussion of the philosophy and ethics of the science discipline of the project.

Eligibility

There are three categories of eligibility for the Young Scholars Program: submitting organization, activities and discipline focus. Proposals must meet the requirements in all three categories as outlined below to be eligible for consideration for funding.

Submitting Organization

Proposals may be submitted by colleges or universities, their associations or consortiums, scientific or professional societies whose members are primarily university faculty or researchers, and for-profit industries or other organizations which are engaged in significant advanced research efforts and have experience in interacting with pre-college students. Academic institutions are encouraged to combine efforts with industries with appropriate research facilities.

Secondary schools and school districts and other organizations with programs focused on secondary education are not eligible to apply as submitting organizations.

Of course, any organization is welcome to collaborate in a project proposal developed and submitted by an eligible institution.

Activities

Required and eligible activities are discussed under Project Design. Young Scholars project activities are not intended to duplicate or replace the secondary school curriculum or offer tutorial or remedial services. Thus the project should not provide course work primarily designed to improve performance in regular school courses. Nor should the goal of activities be to prepare students for standardized tests for college admissions or advanced placement courses, or to duplicate regular college courses. Further, secondary school or college credit for the successful completion of project activities is neither required nor encouraged. Exceptions may be made when the institution or schools involved require that credit be given. However, grant funds cannot be used to pay per credit fees.

Discipline Focus

Grants for Research and Education in Science and Engineering [GRESE] (NSF 83–57, rev. 3/89, p.1) specifies the fields of science and engineering which are eligible for support. Consistent with these guidelines, the Young Scholars program will not support activities focused on clinical or health science disciplines.

Any questions regarding a proposed project's eligiblity under these categories should be referred to the program staff. Proposers may be asked to submit additional information regarding organizational or project characteristics. In some cases it may be necessary for NSF staff to review a formal proposal before a final and fair determination of eligibility can be made.

Project Design

Except where otherwise indicated, the Foundation intends to allow project directors maximum flexibility in

designing their projects to address specific discipline areas and participant age groups. The Young Scholars program actively seeks innovative approaches to cost-effective enrichment activities for young students. These include off-campus sites where scientific inquiry is especially intense, unusual designs for instruction and demonstration, and creative techniques for academic-year follow-up.

Particular attention should be paid to the following areas in the proposal:

Environment

The project should create a learning environment which challenges the student's intellectual abilities and encourages the development of the requisite skills for the use of these abilities. The environment also should foster close interaction among the participants, and between the participants and science, mathematics, and engineerings practitioners, including the project director and senior staff. Activities should be structured to prevent isolation and promote group identity and support, and facilitate student involvement. The opportunities for interaction should be both formal and informal and the participation of mentors is strongly encouraged.

Activities

Proposers should keep in mind that students learn science best by practicing science; that is, by exercising their natural curiosity and participating in the process of scientific discovery. Projects may consist of any combination of activities involving instruction, problem solving, research and exposure to the research environment and research methods that are appropriate for the targeted age group and the discipline focus. However, proposers should strive for balance between lecture, laboratory and field experiences. Activities should be strongly participatory and intellectually challenging, and should promote positive interaction among students and staff.

It also should be noted that while some assignments or tasks will be individualized, a major characteristic of Young Scholars projects is group activities (instructional, field work and informal activities) which foster mutual support and feedback. The goal is to facilitate peer support for participant interest in science and to encourage networking among participants for future support and information exchange.

Required Activities—The following components *must* be included in all proposed projects and outlined in a Schedule of Activities:

Research-Related Activities—The specific methods and techniques of scientific research differ by field, but the scientific method serves as the basis for the discovery of knowledge across disciplines. Projects should include a general discussion of research methodology, with specific attention to the techniques and methods utilized in the disciplines which serve as the focus of the project. Hands-on acitivities should be included as a means of exploring scientific concepts and allowing participants to actively engage in the process of scientific discovery. Mathematics projects should be designed to include inquiry-oriented instruction and should allow students to engage in the contruction of mathematical concepts. Because of their limited exposure to mathematics and science, group experimentation may be more appropriate for younger students (e.g., 8th–10th graders). Individual research projects are expected for students with more extensive background in mathematics and science. The scientific and/or mathematical concepts which will serve as the focus of instruction and research activities should be clearly outlined in the proposal. Additionally, the proposer must clearly describe how class, laboratory and field activities will be integrated into the project's discipline focus.

Career Exploration—Since a major objective of this program is to heighten student awareness of science, mathematics and engineering as possible careers, each project must include career exploration activities which offer information and guidance regarding the opportunities of science as a profession, particularly in the discipline area of the project. These activities also should include attention to precollege science and mathematics teaching as a career choice. Specific attention should be given to the secondary school and college academic requirements for a degree in the selected discipline. The participation of female, minority and disabled scientists in this activity is especially encouraged.

Ethics of Science—The development of a mature and participating citizen, scientist or not, requires an appreciation of the role of science in society. Therefore, all projects must include some activity that focuses on scientific ethics specific to the discipline focus of the project. Current events which illustrate ethical issues within the project's discipline focus should be considered for discussion. Project staff also are encouraged to use issues relevant to their research as discussion topics.

Follow-up Activities—An academic-year follow-up for summer programs to sustain the intensity of the experience is also required. In general the shorter the summer component, the more extensive follow-up activities should be. Proposed activities should reinforce and expand the knowledge and skills learned during the summer and strongly participatory activities, including follow-on research, should be considered. In addition these activities should help students utilize newly acquired skills in classroom activities. To this end, the follow-up academic-year component need not be limited to summer participants, but may also involve their classmates and teachers. A summer follow-up component may be proposed for academic-year programs. Student presentations of project activities in one of their classes at their home school or another appropriate forum should be a required follow-up activity during the school year.

Project Assessment—Proposers must specify project goals and objectives, planned outcomes and plans to measure the success of the project. The latter should include feedback from participants. This is in addition to participation in Young Scholars program data collection activities, described below. Established projects should include a discussion of previous project outcomes. Current Young Scholars project directors submitting new proposals should summarize previous accomplishments.

Setting/Length

Residential or commuter projects during the summer are recommended as the principal mechanism for creating an enrichment experience. The summer components should include a minimum of three weeks of activity. Projects offering an after school/weekend academic-year program as the principal mechanism are also eligible for funding. Follow-up activities are not required for academic-year projects.

Participants

Junior/Senior High Focus-Proposers are expected to design projects which target subsets of students entering grades 8–12, who are US citizens or permanent residents. The selection of a specific age group or grade level should be justified in the proposal.

Participants should be students of high ability or high potential, with interest in science, mathematics or engineering. The Foundation assumes that students defined as *high ability* have demonstrated this ability on some objective criteria, and the proposer must

indicate these criteria, (i.e. grades, examination scores, honors, awards in science competitions, etc.) Students of high potential are those suspected of high ability, and the proposer must define the criteria to be utilized in identifying these participants, (i.e. interviews, recommendations, extracurricular activities, etc.)

The number of project participants will depend on the proposed activities and staff but should allow for substantial one-on-one or small group interaction among students and between students and senior staff.

Participant Tenure—The overall program philosophy is to reach as many students as possible. Each year of project activity is intended as a separate unit, with new participants selected each year. This does not preclude consideration of a proposal in which *some* students return for the second year. However, such a design must be justified in the proposal. Proposers are strongly encouraged to accept students who have not had an opportunity to participate in a YS project previously.

Participant Recruitment and Selection

Proposals must specify how participants will be identified, recruited and selected. Admission decisions regarding participants should be made on the basis of materials submitted by applicants. This information might include (a) recommendations from current or recent science or mathematics teachers or counselors, (b) a short essay by the student on why he or she would like to participate or some other appropriate topic and (c) selected background and biographical information. Selection procedures should specify the academic course requirements necessary for participation. Other selection mechanisms such as examinations and interviews also can be considered. Recruitment procedures must include a mechanism that allows individual students to initiate the application process.

The Foundation expects broad-based participation in these projects regarding the number of schools, geographic areas covered and participant characteristics. That is, participants should be selected from a variety of secondary schools and excessive representation from any one school is discouraged. Regarding geographic distribution, projects should be designed, where possible, to attract students on a regional or national basis, rather than only locally. Also projects must be open to all eligible students in the targeted geographic area, except for those projects designed for disabled students and those proposals responding to the *Early Alert Initiative (EAI)*. In the selection of participants, the number of minorities and females should reflect their representation in the designated geographic area.

In the *Early Alert Initiative* which is described in this announcement, participant selection may focus exclusively on women, minorities or other groups.

Participant Costs

Lack of personal or family financial resources should not be a barrier to participation by any eligible student. Therefore proposers may request NSF funding for all or a portion of student expenses, including room and board for residential projects, travel and a small stipend for students whose participation will preclude needed employment income. Stipends for participants must be justified in terms of their use in attracting the target population. Further, the age of participants in terms of earning potential should be taken into consideration in requesting stipends. Stipends should not exceed $100/week per student for high school students. Stipends for younger students should be less. Stipend amounts can be supplemented by other funding sources.

Proposers can require payment for room and board from participants whom they determine are able to assume responsibility for these expenses. (These fees cannot be considered cost-sharing.) The narrative should detail per student costs for room and board if applicable, travel and any stipends proposed, as well as the percentage of any or all of these costs NSF is being asked to assume. Proposers who plan to charge room and board fees that will vary among NSF-supported participants should outline how applicant financial need will be determined. Ability to pay may be assessed on an individual or group basis. Proposals must include a plan for providing financial assistance to eligible students.

Staff

Project staffing requirements will depend on the design of the project and participant needs. Senior staff, defined as those who will have primary responsibility for the selection of participants, the supervision of intellectual activity and the demonstration of research techniques and field instruction, should be academic faculty or active research scientists, mathematicians or engineers in industry. Staffing levels should be adequate to allow for substantive one-on-one interaction between participants and senior staff.

The Project Director (Principal Investigator), who must be a member of the senior staff, will serve as the intellectual leader of the project and as the administrative contact with NSF. The proposal narrative must include a brief statement of the role and responsibilities of the Project Director, his/her time commitment to the project and his/her qualifications to serve in this capacity. Except in unusual cases, the program discourages the designation of more than one PD.

We encourage the participation as support staff of precollege science and mathematics teachers, counselors, undergraduate and graduate students. Proposers are encouraged to solicit volunteers and to utilize part-time as well as full-time staff in order to reduce costs. Skill in teaching and the ability to interact with young students should be a prerequisite for the selection of all staff. The participation of women, minority and disabled scientists is strongly encouraged.

Sites—Resources and Equipment

Since a major objective of this program is to acquaint studnets with the environment and resources of universities, colleges and research organizations, projects should be located at facilities where higher education or advanced research takes place.

Established Programs

The Foundation is aware that a number of activities similar to Young Scholars Projects have been offered at various campuses in recent years, and have reached funding stability. The Foundation strongly encourages the continuation of such programs, and will not normally award support for such projects where NSF support would serve mainly to replace established funding. The Foundation, however, does invite proposals from institutions that organized such activities in the summer of 1990 or regularly in the last few years, where NSF support would serve to strengthen such projects by funding new key components such as research participation, or expand such projects by broadening participation from previously underrepresented groups.

Established projects for which supplementary support is proposed must in their entirety be eligible for Young Scholar support, and thus must include all the required Young Scholar components, and must be described fully in the proposal. Proposals from these projects also must include a statement describing the use of NSF

funding, with attention to how these funds will enhance the project.

Budget

Proposers may request from the Foundation appropriate direct, indirect and participant costs. Separate budgets must be prepared for year one and year two of project activities, along with a 2-year cumulative budget. Normally awards will be funded initially for the first year only. Support for the second year will be contingent on the availability of funds and after review of the activities of the first year, including the Project Director's participation in program assessment activities.

NSF has specific provisions regarding allowable costs for salaries and wages, indirect costs, fringe benefits, equipment purchases, participant support costs, tuition remission, consultant services and subcontracts. In general the Young Scholars Program is subject to these provisions as stated in the GRESE referenced below and proposers must follow these provisions in preparing the budget for a Young Scholars project.

General NSF provisions of special relevance to this program as well as additional program specific regulations are summarized below:

- Our previous experiences indicate that the total cost of a residential project to NSF is approximately $500 per student per week. Commuter projects should cost considerably less. Higher costs must be fully justified in the proposal.
- The Foundation will consider requests for extra compensation for faculty (overload). Such requests should be clearly outlined in the budget justification section and will be reviewed on an individual basis with attention to the nature of the project as well as institutional and current NSF policies.
- Summer salary for faculty members on academic-year appointments will not be funded for more than ⅔ of their regular academic-year salary. This total includes summer salary received from all NSF-funded grants.
- Support will not be provided for general purpose office equipment such as typewriters or furniture, nor for permanent scientific equipment. Permanent equipment is defined as any item with a unit cost of $500 or more and an expected service life of two or more years. Where such equipment is deemed necessary, proposals should consider borrowing or renting. Rental costs are allowable under this program. However, when rental costs exceed the purchase price of an item, purchasing the item will be considered.
- Indirect costs will not be paid on participant costs.
- Funds should be included for the project director (one person only) to attend the annual two-day project directors meeting in the Spring in Washington, DC. Proposers should use their institutional guidelines regarding per diem allowances.
- Support may not be requested for social activities, project director attendance at any conference except the project directors meeting, or for teacher training components.
- Proposers are advised to determine whether insurance coverage normally available to students and faculty on campus applies to participants in these, projects. The budget may request funds to purchase health and accident insurance for participants not covered by the usual student health plans. Insurance costs should be specifically justified, and will be reviewed on a case-by-case basis.
- The Young Scholars Program requires a reasonable degree of cost-sharing in all proposals. Cost-sharing should be clearly detailed by category in the proposal's budget justification section, and will be taken into consideration in decisions on the extent of NSF support. Fees assessed of participants are not considered cost-sharing.

Proposal Preparation and Submission

Reference Documents

A formal proposal should be prepared following the guidelines contained in the NSF document *Grants for Research and Education in Science and Engineering* [GRESE] NSF 83-57, rev. 3/89 and the instructions contained in this solicitation. Additional information may be obtained from the NSF *Grants Policy Manual, Revised (July, 1989, NSF 88-47.*

Proposal Submission Forms

There are several NSF and Young Scholars program forms which are necessary as part of the submission of a proposal. These include a *Young Scholars Program Data Sheet* (Appendix B) which will be used in the assignment of proposals to appropriate review panels. All forms and a checklist for proposal preparation can be found in the appendices to this solicitation. Please check that all forms are filled out completely and signed, where necessary. Forms may be photocopied.

Narrative Content and Format

The narrative is limited to 30 double-spaced pages (15 single-spaced pages). There is no limit on the length of the appendices. However, proposers should be judicious in this regard as NSF leaves to individual reviewer discretion what part of the appendices, if any, should be read. The narrative should discuss each of the following areas (in the order given) in sufficient detail to allow the proposal to be evaluated in accordance with the goals of this program:

- Project Goals and Objectives
- Disciplinary Focus
- Project Design (must include a detailed Schedule of Activities)

Disciplinary Focused Activities
Activities Focused on Research Methodology
Career Exploration Activities
Philosophy and Ethics of Science Activities
Project Assessment
Follow-up Activities

- Setting
- Selected Population
- Participant Recruitment & Selection
- Project Staff
- Project Site

(A checklist for proposal preparation specifying the order of presentation can be found in Appendix A. Note that the budget and budget explanation are a separate part of the proposal.)

Proposals for the Young Scholars Program Should Be Postmarked by August 6, 1990.

Fifteen (15) complete copies of the formal proposal; one copy of the required NSF form 1225 and three (3) additional sets of forms each stapled as a unit, containing one Cover Sheet, one Summary Budget and one Young Scholars Program Data Sheet should be sent to the address listed below: Proposal Processing Unit, Room 223, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Evaluation and Selection of Proposals

General criteria used in the evaluation of proposals are described in the NSF GRESE reference above. They are performance competence, instrinsic merit, utility or relevance, and effect on the infrastructure of science and engineering.

Within the context of the Young Scholars Program specific evaluation criteria will include the appropriateness and quality of the following project elements: (1) Overall project design including time frame for implementation, discipline focus and setting (commuter/residential; summer or academic year); (2) research, laboratory, field and classroom activities focused on the science discipline chosen, including hands-on projects and planned interaction between students and scientists and mathematicians; (3)

project staff qualifications and mix; (4) participant recruitment and selection procedures and demographics; (5) follow-up activities; (6) scientific ethics and career awareness activities; (7) project site and resources; (8) budget, including total costs, proposed cost sharing and participant costs; and (9) for established projects, the proposed use of NSF funds to enhance the operation and the success of current activities.

Proposals will be reviewed for scientific and educational merit by scientists, mathematicians, engineers, science educators including precollege teachers, and experts in other fields represented by the proposals.

Awards

The announcement of Young Scholars Program awards should be made in February 1991. Notification of awards is made in writing by the Foundation. As soon as possible thereafter the Foundation will publish and distribute a project directory as a reference guide for potential applicants.

Awards will normally provide for one year of support, with a second year of support contingent upon acceptable progress in implementing program objectives, including assistance in program assessment activities, and the availability of funding.

Participants admitted and successfully completing these projects will be identified in NSF records as National Science Foundation Young Scholars. Project Directors may use this terminology in the title of their proposed project and in any presentations made in closing ceremonies and any reference to the participants thereafter. The terms "Science", "Mathematics" and "Engineering" may be inserted as appropriate.

Program Assessment Activities

The Foundation has established a plan to facilitate early and regular assessment of program impact. This includes data collection instruments for administration to project applicants, participants, and Project Directors. As a part of these activities NSF will provide copies of these instruments and guidance on their administration at the time of the award. The cooperation of project directors will be an important factor in assuring the success of this effort. Second-year funding will not be approved without receipt of the interim report and survey instruments.

Grant Administration

NSF grants are administered in accord with the terms and conditions of NSF GC–1 (10–88), Grant General Conditions, or FDP II, Federal Demonstration Project General Terms and Conditions (10/88), copies of which may be requested from the NSF Forms and Publication Unit.

The Young Scholars Program Early Alert Initiative, FY 1991

The Young Scholars program established in FY 1990 an Early Alert Initiative (EAI) component. While there is a continuing need for scientists, mathematicians and engineers at all levels, there has developed a persistent shortfall in the number of college graduates earning degrees in these fields. Part of the problem is the decreasing number of students selecting careers in these disciplines. In fact, there are indications that many students eliminate careers in science, mathematics, and engineering as viable choices prior to high school.

If we are to increase the supply of scientists, attention should be given to students earlier than high school. Activities should focus on providing those experiences and opportunities which introduce students to the excitement and challenge of science careers. Projects addressing these areas should include science and mathematics course work beyond that offered in school; expanded counseling regarding career opportunities in these disciplines; interaction with role models in these fields; activities which strengthen family and peer support for student interest in these areas; and the elimination of social/cultural and financial barriers. Without these experiences, many students will continue to enter high school lacking interest in science careers, or lacking key prerequisites for a college science major.

The EAI, which focuses on mathematics and physics, is a response to this situation. Mathematics and physics are targeted because of continuing critical personnel shortages in these fields. The goal of EAI is to support projects which offer activities to develop or sustain the interest of adolescent students in careers in these two disciplines.

This initiative differs form the regular Young Scholars competition in several ways:

Eligible Students

Unlike the regular Young Scholars Program, EAI projects are restricted to students entering grades 7, 8 and 9. An EAI project may focus on one or more of these three grades. Unlike the regular Young Scholars program, EAI projects may be designed exclusively for ethnic minorities and/or women. Other groups such as the disabled, the economically disadvantaged, or rural residents, also could be the focus of recruitment efforts.

Recruitment and Selection

Consistent with the overall Young Scholars Program, the EAI is focused on students of high ability or high potential. However, considering the young age of the target pool, and the focus on students who may have had limited exposure to mathematics and science, such high ability or high potential in these areas may not necessarily have been demonstrated in the classroom. Therefore grades should not be the sole selection criteria. A combination of alternative mechanisms should be utilized to identify student ability or potential. Proposers should clearly outline their strategies for selecting student participants on these factors.

Discipline Focus

Proposals must focus on mathematics or physics. In order to allow students to explore their interests in more than one discipline within the targeted fields, we encourage proposals which include attention to both mathematics and physics and their applications.

Project Format

EAI projects will almost necessarily be local in focus and involve students at an early stage of their interest in science and math. Therefore, unlike the regular Young Scholars Program, EAI projects must be comprised of year-round activities. Summer activities as well as substantive interactions between project staff, local scientists, teachers, and students during the school year are required. The goal is to provide a continuing enrichment experience for these students. Proposers may request support for two 12-month cycles for two separate groups of students, or one 24-month cycle for a single group of students.

Activities

Instructional Activities—The EAI is not intended for students who perform below grade level in non-science and non-mathematics school courses. In light of the age of this target group, it is recognized that the teaching of some additional basic science and math concepts may be necessary. Advanced course work may be proposed, where appropriate for the selected population. Proposers must clearly outline the basic science and/or math concepts that will serve as the focus of instructional and research activities.

Research Methodology—EAI activities must enable students to experience the excitement of "doing science" in the discipline(s) chosen. Details about how this will be accomplished must be provided.

However, unlike the regular Young Scholars competition, individual research projects may be less appropriate for this category of students.

Career Exploration—The EAI places a stronger emphasis than the regular Young Scholars competition on career exploration. Thus activities should include interaction with scientists in a variety of potential work settings. Discussions of higher education options and costs, with particular attention to options for financial assistance, are required. Integrated throughout planned activities should be attention to cultural/social barriers to student entry into science and mathematics careers.

Mentoring—A variety of small group activities, which facilitate interaction between scientists and students are required and should be an integral part of summer and academic year activities. Mentors should be academic or industrial scientists engaged in active research; undergraduate and graduate students also may be involved in mentoring activities, though not in primary roles. Where appropriate, activities should include interaction with scientists in the work place, if these differ from the major site of project activities.

Costs

There should be no charge for participation in these activities, and minimum stipends for students may be requested when they can be justified as a replacement for employment income. Proposers may include the costs of materials and supplies for student use in follow-up activities including science experiment kits, calculators, science magazine subscriptions, etc.

Except as explained above, proposals submitted under EAI should follow guidelines for the regular Young Scholars Program.

Note: Proposals must include all required forms which are available in the printed program announcement. Copies of the program can be requested from the address listed below: Young Scholars Program, Directorate for Science and Engineering Education, NSF, Room 630, Washington, DC 20550, 202–357–7538.

Dated: March 19, 1990.

Gail Richmond,

Associate Program Director, Young Scholars.

[FR Doc. 90–6527 Filed 3–21–90; 8:45 am]

BILLING CODE 7555–01–M

Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Population Biology and Physiological Ecology.

Date and Time: April 11–13, 1990; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Fred W. Allendorf, Program Director, Population Biology and Physiological Ecology (202) 357–9728, Room 215, National Science Foundation, Washington, DC 20550.

Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 19, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–6526 Filed 3–21–90; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346]

Toledo Edison Co.; and Cleveland Electric Illuminating Co.; Davis-Besse Nuclear Power Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a number of exemptions from the requirements of appendix R to 10 CFR part 50 in response to a request filed by the Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), for the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

Environmental Assessment

Identification of Proposed Action

The Toledo Edison Company (the licensee) submitted in its letter dated January 12, 1987, a request for nine specific exemptions from the requirements of appendix R to 10 CFR part 50. The licensee later submitted in its letter dated July 31, 1989, a request for three additional exemptions from appendix R.

In its subsequent letters dated January 18, March 15, and October 26, 1989, the licensee withdrew its requests for three of these exemptions. Additionally, the staff found that one of the others was not required. Each of the remaining eight exemption requests is discussed below with a description of the pertinent appendix R requirement and a brief description of the nature of the deviation from the applicable appendix R requirement.

For Fire Areas R, EE and AB, the last paragraph of section III.G.3 of appendix R requires that a fixed fire suppression system be installed in these three fire areas in that an alternate shutdown capability and its associated circuits is provided for these areas. Fire Area R has an alternate shutdown capability in Fire Area BD for the service water system and has an alternate shutdown capability in Fire Area II for the control valves of the turbine driven auxiliary pumps.

Fire Area EE has an alternate shutdown capability in Fire Area II which is physically and electrically independent in the event of fire damage to the circuits or electrical components of the MS106 main steam inlet isolation valve for auxiliary feedwater pump turbine No. 1.

Fire Area AB has an alternate shutdown capability in room No. 115 for potential fire damage to circuits associated with the emergency core cooling system (ECCS) room cooler fans C31–1 and C31–2.

For Fire Area A and for embedded conduits, section III.G.2.a of appendix R requires in part that cables and equipment and associated nonsafety circuits of redundant trains be separated by a fire barrier having a 3-hour rating. While there are, in general, 3-hour fire barriers in Fire Area A between redundant circuits used to achieve and maintain hot shutdown conditions, there is a nonrated door as well as a number of nonrated heating, ventilating and air-conditioning (HVAC) penetrations. These nonrated features compromise the fire barrier between redundant electrical circuits in room Nos. 124 and 123 and those in room No. 115 within Fire Area A.

Certain cables of electrical circuits required to achieve a safe shutdown in the event of a fire and which are enclosed in conduit and embedded in concrete were not evaluated by the licensee in its safe shutdown analysis for a fire. As discussed above, the

placement of these cables does not meet the appendix R requirements specifying that they be separated by a 3-hour fire barrier. The specific cables involved are listed in appendix B–2 of the Davis-Besse Appendix R Compliance Assessment Report (CAR).

Section III.J of appendix R requires that emergency lighting units with at least an 8-hour battery power supply be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto. The licensee has requested approval to utilize existing "hard-wired" AC/DC essential lighting systems in portions of the auxiliary and turbine buildings and to utilize hand-held portable lighting units in outside plant areas, in lieu of meeting the specific requirements of section III.J cited above.

For Fire Area D, section III.G.2.d of appendix R requires for non-inerted containments that cables and equipment and associated nonsafety circuits of redundant trains be separated by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. However, in Fire Area D (i.e., the primary reactor containment), redundant containment air cooler fans C1–1, C1–2 and C1–3 are about 10 feet apart.

In manhole MH 3001, section III.G.2.b of appendix R requires in part that cables and equipment and associated nonsafety circuits located within the same fire area outside of primary containment and required to achieve and maintain hot shutdown conditions of the reactor be separated by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. However, there are redundant circuits in manhole MH 3001 associated with the service water system, including pumps (P3–1, P3–2 and P3–3), the backup pump (P–180), valves (SW 1395 and SW 1399) and motor control centers (MCCs, E12C and F12C) which are less than 6 feet from one another.

The Need for the Proposed Action

The proposed exemptions are needed because the features described in the licensee's requests regarding the existing level of fire protection and proposed modifications at the plant are a practical method of meeting the intent of appendix R and literal compliance would not significantly enhance the fire protection capability.

Environmental Impacts of the Proposed Action

The proposed eight exemptions cited above are from the specific requirements of certain provisions of appendix R to 10 CFR part 50. For each of the requested exemptions, the licensee has provided justification for the requests demonstrating that it is providing equal protection for the safe shutdown capability of the Davis-Besse facility in the event of a fire within any of the fire areas affected by the proposed exemptions. On this basis, there are no changes in the manner of the plant operation in the event of a fire. Accordingly, there will be no increase in either the probability or the amount of radiological release from the Davis-Besse plant in the event of a fire. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemptions.

With regard to potential nonradiological impacts, the proposed exemptions cause no change in the manner of the plant operation. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemptions.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental impacts associated with the proposed actions, any alternatives would have either no or greater environmental impact.

The principal alternative would be to deny the requested exemptions. This would not reduce the environmental impacts attributed to the facility but would result in the expenditure of resources without any compensating benefit.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Davis-Besse Nuclear Power Station, Unit 1, dated March 1973 and its supplement dated October 1975.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to these actions, see the requests for exemptions dated January 12, 1987 and July 31, 1989 which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 15th day of March 1990.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III–3, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–6552 Filed 3–21–90; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM90–6–22–000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 15, 1990.

Take notice that CNG Transmission Corporation ("CNG"), on March 8, 1990, pursuant to section 4 of the Natural Gas Act, the Stipulation and Agreement approved by the Commission on October 6, 1989, in Docket Nos. RP88–217, *et al.* and § 12.9 of the General Terms and Conditions of GNG's FERC Gas Tariff, filed the following revised tariff sheets, all to volume No. 1 of CNG's Gas Tariff:

Third Substitute First Revised Sheet No. 45
Second Substitute Third Revised Sheet No. 45
Second Substitute Fourth Revised Sheet No. 45
Substitute Original Sheet No. 49B
Substitute First Revised Sheet No. 49B
Second Revised Sheet No. 49B
Third Revised Sheet No. 49C
Original Sheet No. 49D

The tariff sheets are proposed to become effective on the dates indicated on each sheet.

CNG states that the purpose of its filing is to flow through changes in take-or-pay costs allocated to it by its pipeline suppliers.

Copies of the filing were served upon CNG's sales customers as well as interested state commisions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214

and 385.211). All motions or protests should be filed on or before March 22, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-6502 Filed 3-21-90; 8:45 am]

BILLING CODE 6717-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-20457]

Environmental Assessment; Finding of No Significant Impact; and Notice of Opportunity for Hearing Related to Amendment of Materials License No. 04-23285-01

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: NRC plans to issue an amendment to NRC License No. 04-23285-01, authorizing the University of California, Los Angeles (UCLA), to hydrogen-3 (tritium) for *in vivo* studies of wild desert tortoises *(Gopherus agassizi)* living in their native habitat.

FOR FURTHER INFORMATION CONTACT: Dr. Donna-Beth Howe, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-0636.

Environmental Assessment

Identification of the Proposed Action

The proposed action is to amend NRC Byproduct Material License No. 04-23285-01, issued to UCLA on November 17, 1989. That license authorizes the possession of desert tortoises *(Gopherus agassizi)* previously injected with tritiated water and the collection of tritiated biological samples, but does not authorize further injections with tritiated water. The proposed amendment would authorize personnel from UCLA to inject tritiated water into 20 desert tortoises *(Gopherus agassizi)*. Ten desert tortoises will be at the Desert Tortoise Natural Area, Kern County and ten at the Ivanpah Valley Livestock Grazing Enclosure, San Bernardino County. The study involves the desert tortoise's release of water and water vapor directly into the environment. The proposed amendment will permit UCLA's authorized users to reinject tortoises with tritium to continue studies started under a Department of Energy (DOE) authorization and to add new animals to the study. Accordingly, pursuant to 10 CFR Section 51.21, NRC has prepared this assessment to the resulting environmental impact.

The non-site-specific aspects of the desert tortoise study, i.e., possession of preinjection tritiated water, performance of laboratory tests on tritiated biological samples, contaminated-waste disposal, and bioassay monitoring of UCLA personnel, are performed under the authority of UCLA's license issued by the State of California.

Background

By application dated June 6, 1988, the University of California, Los Angeles, (UCLA or applicant) Radiation Safety Office requested an NRC license to perform hydrogen-3 labeled water (tritiated water) studies on desert tortoises *(Gopherus agassizi)* in their natural habitat. These studies were being done under a special condition of a prime contract with DOE. The contract was modified and the clause under which the work was done was deleted on November 17, 1989. Three of the desert tortoise site studies are on land owned by the U.S. Department of the Interior (Bureau of Land Management), and authorization to possess and use byproduct material at these sites requires a license from NRC.

The full desert tortoise study extends over several years and involves several cycles per year of selected desert tortoise capture, injection with tritiated water, and release at two of the three sites. The tortoises will release tritiated water and water vapor directly into the environment.

UCLA has a "Permit to Take Desert Tortoise *(Gopherus agassizi)*" dated August 18, 1989, from the U.S. Department of the Interior, Fish and Wildlife Service. It was issued pursuant to the Endangered Species Act, 16 U.S.C. 1531 *et seq.* The permit authorizes UCLA to: ". . . attach radio transmitters on up to 10 tortoises in 'area A' (viz. Desert Tortoise Natural Area, Kern County) and 10 tortoises in 'area B' (viz. Ivanpah Valley Livestock Grazing Enclosure, San Bernardino County), inject with labeled water or tritiated water, draw blood, urine, weigh, measure and then release (viz. on site). These radio-equipped tortoises may be recaptured during the activity season as often as every two weeks and as often as every month during hibernation and reinjected, draw blood, urine, weigh, measure and then release on site." Both sites "A" and "B" are on land owned by the Bureau of Land Management.

Need for the Proposed Action

The desert tortoise *(Gopherus agassizi)* is recognized as an endangered species by both the Federal Government and the State of California. Although a number of factors contributed to the desert tortoise becoming an endangered species, the rapid population decline from an epidemic respiratory infection is cited as a prime factor. The tritiated water studies are intended to provide field data on the relationship between energy balance in the tortoises and rainfall, food resources, diet selection, and water. This information is needed to improve efforts to protect and conserve the species. It is hoped that these data will also be useful in discriminating between naturally dehydrated desert tortoises and those dehydrated as a result of the epidemic respiratory infection. This may enable identification and treatment of sick desert tortoises.

Environmental Impacts of the Proposed Action

The affected environment. Both study sites are located in the Mojave Desert in areas described as remote. The Desert Tortoise Natural Area is a 50-square-mile area totally fenced in by a 3-strand barbed wire stock fence. The closest community as residence to the 1-square-mile study site is Cantil, which is 6 miles away and has an approximate population of 10. The public access is a dirt road outside the fence and one-quarter mile from the nearest study tortoise burrow.

The Ivanpah Livestock Grazing Enclosure study site is a 2-square-mile, 3-strand barbed wireenced area located 8 miles from Nipton, the closest community and residence. Nipton's population is approximately 30 peopole. The site is 100 yards from a paved road in one direction and 100 yards from a dirt road on another side. Both sites have flat terrain with widely spaced 3- to 4-foot creosote-bush and burro-bush desert scrub plants and sandy soil.

Because the desert tortoise is an endangered species, the invidual tortoises and their collective numbers are an important part of the affected environment. The tortoise density on both sites is approximately 50 tortoises per square mile. The tritiated water studies would have a maximum of 10 male tortoises at each site. Each tortoise has a home range with some overlap of home ranges. This natural behavior keeps the tortoises dispersed in the study area.

Study subjects. All tortoises inclued in the tritiated water study at these sites

will be adult males. Adult males have home ranges of approximately 3 acres, with some overlap. When looking for females, the males tend to make exploratory excursions of 1 or more miles returning to their home range. All tritiated tortoises will have radio transmitters attached to their shells, to facilitate finding them.

The tortoises have three different effective tritium half-lives corresponding to the three climatic seasons of the year and the different levels of tortoise activity in these seasons. The effective half-lives were calculated from previous desert tortoise studies and are reasonable approximations for the proposed studies. In the winter, the desert tortoises hibernate for approximately 4 months and have an estimated effective tritium half-life of 437 days. In the spring, they are more active, feed on green plants and have an estimated effective tritium half-life of 43 days. During the summer-fall period, they are estivating (in a state of dormacy), feeding on dried plants and have an estimated effective tritium half-life of 48 days.

Study protocol. Oxygen-18, a naturally occuring nonradioactive isotope of oxygen, is added to tritium to produce tritiated water with higher oxygen-18 level than that found in air (i.e., 0.2 percent air oxygen). This permits double-labeled studies on the blood samples and better quantification of body water conservation and turnover data. The oxygen-18 is activated to fluorine-18 in a cyclotron after the blood samples are collected and returned to UCLA. The oxygen-18, which will be done in an enclosed laboratory setting, neither involves byproduct material nor results in radioactive releases at the study sites, and will not be further discussed.

The study protocol calls for initial injections of 50 microcuries/2 kilogram total body weight and reinjection with tritiated water to bring the animal's tritiated water level back up to 500 microcuries/2 kilogram when the tritiated water levels falls to 100 microcuries/2 kilogram. This last value is 20 percent of the initial concentration and the lowest level of tritium measureable during the laboratory blood sample counting procedures. The lowest measurable level is determined by blood volume restrictions and counting statistics.

The male tortoises range in weight from 3 to 5 kilograms and are estimated to receive three injections per year. The highest activity of tritium at each site, assuming there are 10 tortoises in the study and all tortoises are injected at the same time, ranges from 7.5 to 12.5 millicuries. The lowest activity at each site, assuming 10 tortoises, and all are at their lowest measurable tritiated water level, ranges from 1.5 to 2.5 millicuries. The studies are expected to last for 3 years.

Pathways to the environment. The desert tortoise loses tritiated water by evaporation of exhaled water vapor and direct water loss in urine and feces. The arid conditions at both test sites should cause both rapid water evaporation and water vapor dispersion. This prevents tritiated water from reaching the water supply or being transported into plants.

The average tritium release per day by one tortoise is esimated to be 28 picorcuries for spring, 25 picocuries for summer and fall, and 2 picocuries for winter. These values are calculated from estimated fractional biological water turnover rates for previous desert tortoise studies (Nagy and Medica, 1986 are Reference 1). The releases are predominantly into the open spaces and not into confined areas. Releases to confined areas, i.e., the tortoise's burrow, occur during winter hibernation and summer estivation, when the tortoises have reduced respiratory rates. The tritium released into the winter and shallower summer borrows is primarily due to pulmonary water loss because the tortoises rarely urinate or defecate in their burrows. These burrows are usually deep enough or long enough to preclude human contact with the tortoises. The tritiated water vapor is absorbed into the burrow walls and gradually released from the mouth of the burrow. When averaged over the open air space surrounding the tortoise or the mouth of the burrow, the releases are much less than the 10 CFR part 20 for effluent releases to unrestricted areas.

Pathway to humans. Several factors, i.e., remote location, sparse human population, and natural dispersion of the desert tortoises, reduce the probability that the tritiated desert tortoises will come into contact with humans not conducting the study. The aforementioned daily release estimates indicate that humans in the vicinity of the desert tortoises would be exposed to levels below the limits in 10 CFR part 20, "Standards for Protection Against Radiation" limits for effluent releases to unrestricted areas.

The desert tortoise is an endangered species and as such is protected from hunting, capture, or removal from its habitat. In the event a poacher captured and ate a desert tortoise, a very unlikely scenario, the poacher would receive a whole body dose of about 70 millirads. The worst-case situation assumes eating an entire 5-kilogram tortoise immediately after it was injected with tritium. This would result in a dose approximately 14 percent of the maximum permissible whole body exposure in a year to a member of the general public given in 10 CFR 20.105.

The tritiated water released by the desert tortoises does not enter the human food chain in any other way, because no food crops grow in the area and grazing animals are the only food chain animals in the area. If a grazing animal ate contaminated grasses, the concentration of radioactivity in the animal would be much less than the concentration in a tortoise, and the dose to a poacher would be correspondingly less.

Personnel who handle the tritiated water, collect biological samples, and inject the tortoises are provided with procedures and equipment to minimize their exposure to below 10 CFR part 20 levels. Further, these individual are subject to UCLA's bioassay program to monitor their tritium uptake from all sources.

Effect on other species. Plants, and plant-eating animals, should not be affected by the tritiated water vapor and water released by the tortoises, due to rapid evaporation in the arid environment. Because there are no natural prey that feed on the adult desert tortoise, the tritiated water in the tortoise will not affect other animal species. Further, the desert tortoise is the only endangered animal species in the study site sections of the Mojave desert. Therefore, the tritium in the tortoises and released by the tortoises will not have an environmental impact on other species, whether endangered or not.

Dose and effect on desert tortoise. The internal beta dose from the tritiated water to each tortoise is about 18 rads, 15 rads, or 13 rads for its first year in the study, depending on whether the initial injection is made in November, March, or May, respectively. The cumulative lifetime dose after completion of the 3-year study is 60 rads, 49 rads or 42 rads for each tortoise for the aforementioned three injection schedules, respectively. For each schedule, the tortoise receives three tritiated water injections a year.

Most radiation biology studies are done using gamma radiation and small mammals; very little data are available on either reptiles, in general, or desert tortoises in particular. Reproductive potential may be reduced with doses as low as 30 roentgen (*R*) for mammals, but it is believed that reptiles are less sensitive to radiation than mammals. Female lizards become sterile after receiving 500 to 1500 rads of gamma radiation at rates of 400 to 750 rads per

year, and one-third of male leopard lizards (*crotaphytus wislizenii*) had non-motile sperm after receiving these doses (Turner and Medica, 1977, and Turner *et al.*, 1973 see Reference 2 and 3). The doses to the desert tortoise due to tritiated water are both cumulatively lower and received at lower rates than in either of the aforementioned cases. Therefore, the desert tortoise is not expected to experience these effects.

Other desert tortoise tritiated water studies showed the tritiated water had no acute adverse effects on the tortoises. (See the references listed later in this notice.) Neither the previous desert tortoise studies nor the proposed studies include protocols to study the radiation exposure effects on the tortoise's reproductive potential, DNA breakage, or long-term survival. Normal desert tortoises have life spans approaching 100 years. This makes long-term epideminologial studies difficult to sustain. The rapidly dwindling desert tortoise population and the small sample size make the potential long term effects of the tritium exposures insignificant compared to the acute pressures of the respiratory infection epidemic. The U.S. Department of Interior believes the potential detrimental effects caused to the 20 study animals or their progeny are greatly outweighed by the scientific value of the water balance studies.

Conclusions

Based on the foregoing assessment, the NRC staff concludes that the environmental effects of using tritium for the *in vivo* studies of wild desert tortoises are expected to be extremely small. The concentrations of tritium released by the tortoises into the unrestricted areas will be well below the limits specified in 10 CFR Part 20. Thus, estimated doses to the general public and to the study workers at the sites are insignificant. Based on these considerations, this action will not result in a significant effect on the quality of the human environment.

The estimated doses to the desert tortoises do not cause acute effects in the tortoise and are not expected to cause long-term effects. The potential importance of the scientific data from the tritiated water studies precludes delaying the studies until long-term data can be obtained for desert tortoises or other reptiles.

Therefore in accordance with 10 CFR 51.31, a Finding of No Significant Impact is considered appropriate for this proposed action.

Alternatives to the Proposed Action

As required by section 102(2)(E) of NEPA (42 U.S.C. 4322(2)(E)), possible alternatives to the proposed action have been considered.

The only alternative to the proposed action is the denial of the license amendment request. This would result in UCLA having to terminate its study of tritiated body water in the desert tortoise and would adversely affect the collection of quantitative body-water data needed to manage and protect the desert tortoise population.

There is no alternative to quantifying the body-water conservation and turnover data obtained from the study. The applicant will do double-labeled studies on the blood samples by measuring activated oxygen-18 levels. The oxygen-18 study does not involve byproduct material. Both the tritium and the oxygen-18 data are needed to interpret the body-water data.

The benefits to be gained from denial would be no increase in radioactive material released to the environment above the amounts currently in the desert tortoises injected under the DOE authorization. This is not a significant benefit because the estimated concentrations in the unrestricted areas and resulting doses to humans from continuing the studies will be insignificant.

The benefit of denying the license amendment request to the individual desert tortoises involved in the study would be no additional radiation exposure above lifetime levels due to previous tritiated water injections for tortoises in continuing studies and no excess radiation exposure above normal background for tortoises to be added to the study. The benefit and the risk to the desert tortoise from the additional radiation exposure have to be weighed against the information obtained from the study. The U.S. Department of the Interior believes the data will help specialists differentiate between normally dehydrated tortoises and those dehydrated due to respiratory infection. This may enable identification and treatment of the sick desert tortoises. The radiation risk also must be put into perspective with the risk associated with the deadly respiratory infection that resulted in identifying the desert tortoise as an endangered species.

Agencies and Persons Contacted

In performing this assessment, the staff contacted UCLA, Oakridge National Laboratories, and the U.S. Department of the Interior.

Finding of No Significant Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in 10 CFR Part 51, that this proposed amendment to amend Byproduct Material License No. 04–23285–01 to permit the injection of tritiated water into 20 desert tortoises, if granted, would not have a significant effect on the quality of the human environment or the tritiated desert tortoises, and that an environmental impact statement is not required. This determination is based on the foregoing environmental assessment performed in accordance with the procedures and criteria in Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

For further details of this action, see the application for license dated June 6, 1988, and other related correspondence. These documents (in Docket No. 030–20457) may be examined or copied for a fee in the Commission's Region IV Public Document Room, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

References

Nagy, K.A., and P.A. Nedica, "Physiological Ecology of Desert Tortoises in Southern Nevada," *Herpetologica 42* (1):73–92, 1986.

Turner, F.B., P. Licht, J.D. Thrasher, P.A. Medica, and J.R. Lannom, Jr., "Radiation-Induced Sterility in Natural Populations of Lizards (*Crotaphytus wislizenii* and *Cnemidophorus tigris*)," Proceedings of the 3rd National Radioecology Symposium, Vol. 2:1131–1143, 1973.

Turner, F.B., and P.A. Medica, Sterility Among Female Lizards (*Uta stansburiana*) Exposed to Continuous Gamma Irradiation," *Radiation Research 70*, 154–163, 1977.

Notice of Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this amendment may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 days of publication of this notice in the **Federal Register** and must be served on the NRC staff by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555 or by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; and must be served on the applicant by mail or delivery to University of California, Los Angeles, Radiation Safety Office, 10833 Le Conte Avenue, Los Angeles, CA 90024. The request for a hearing must comply with the requirements set forth in the Commission's regulations, 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Material Licensing

Proceedings." Subpart L of 10 CFR part 2 may be examined or copied for a fee in the Commission's Region V Public Document Room, 1450 Maria Lane, Suite 210, Walnut Creek, CA 94596 or in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

As required by part 2, subpart L (10 CFR 2.1205), the request for hearing must describe in detail: (1) The interest of the requestor in the proceeding; (2) how that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in paragraph (g) of 10 CFR 2.1205; (3) the requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and (4) the circumstances establishing that the request for a hearing is timely in accordance with paragraph (c) of 10 CFR 2.1205(c).

The factors in 10 CFR 2.1205(g) which must be addressed in the request for hearing include: (1) The nature of the requestor's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland, this 15 day of March 1990.

For the U.S. Nuclear Regulatory Commission.

John E. Glenn,

Chief, Medical, Academic, and Commercial Use Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 90-6551 Filed 3-21-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

GPU Nuclear Corp.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-50, issued to GPU Nuclear Corporation (the licensee), for operating of Three Mile Island, Unit 1 located in Dauphin County, Pennsylvania.

By application dated March 12, 1990, the licensee requested that the Technical Specification (TS) requirements governing inservice inspection of the Once Through Steam Generators (OTSGs) be amended. Specifically, the licensee requested modification to the eddy current testing (ECT) required following excessive primary-to-secondary leakage in tubes located in the area of the OTSG defined as the "lane wedge" area. This area is described as the tubes in rows 73 through 79 adjacent to the open inspection lane, and tubes between and on lines drawn from tube 66-1 to tube 75-15 and from 86-1and 77-15. The present TS do not make a distinction for tubes located in this area. However, operating experience for OTSGs has indicated that tubes in these areas are more subject to certain types of failures, including environmentally assisted high cycle fatigue (HCF) failures, than tubes located elsewhere in the OTSG. Of approximately 16,000 tubes in the OTSG, 419 are located in the lane wedge area. The present TS, following a tube leak, requires a 6% randomly selected sample (approximately 950 tubes) which would not necessarily include more than about 25 tubes in the lane wedge area. Because of the history of failures of land wedge tubes at other Babcock and Wilcox plants, the licensee proposes concentrating ECT inspections in this area following failure in the upper portion of a lane wedge tube.

The licensee's application is consistent with a TS amendment issued by the NRC in 1981 for Oconee Units 1, 2, and 3. It is also consistent with guidelines recently issued by the Electric Power Research Institute but not yet fully endorsed by the NRC. The application for a TS amendment was requested by the NRC staff following a lane wedge tube leak at TMI-1 on March 6, 1990. The staff is issuing this notice and reviewing the licensee's application under exigent circumstances. The staff issued a waiver of compliance on March 14, 1990 to allow plant restart following leak repairs and while the application is being processed. The post-leak testing performed by the licensee following repairs is consistent with what would be required by the amended TS. In addition the licensee conducted two types of visual leak checks to ensure only one tube was responsible for primary-to-secondary leakage. The licensee did not request emergency treatment of the amended application; the staff does not believe that an emergency situation exists. However, the staff does believe that the amendment should be issued promptly.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission must make a proposed determination that the amendment request involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that the Technical Specifications Change Request involves no significant hazards considerations as defined in 10 CFR 50.92. That determination is as follows:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or the consequences of an accident previously evaluated. The proposed amendment limits the unscheduled inservice inspection to the leaking steam generator following primary-to-secondary leakage through the steam generator tubes which exceeded Technical Specification limits. The proposed amendment also limits this unscheduled inspection to the lane wedge area when the leaking tube is located in this area. The design basis accidents related to this change are accidents related to steam generator tube integrity. The probability of occurrence or the consequences of a steam generator tube rupture accident, or a main steam line break accident, which assumes a 1 gallon per minute (gpm) primary-to-secondary leak rate, are not increased since adequate assurance of steam generator tube integrity is maintained by the proposed change. Limiting the unscheduled inservice inspection to the affected steam generator has no adverse effect on the adequacy of steam generator tube integrity. Limiting the unscheduled inservice inspection to the tubes in the lane wedge area when the leaking tube is in this area enhances plant safety by identifying potential additional tubes which may be experiencing similar wear, corrosion, or fatigue. Appropriate corrective actions are taken to prevent further degradation. The proposed change has no effect on the inspection methods or acceptance criteria; nor does it reduce the effectiveness of the overall unscheduled steam generator tube inspection program. Therefore, this change does not increase the probability of occurrence or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or differer t kind of accident from any accident previously evaluated. The proposed amendment limits the unscheduled inservice inspection to the

leaking steam generator following primary-to-secondary leakage through the steam generator tubes which has exceeded Technical Specification limits. The proposed amendment also limits the unscheduled inspection to the lane wedge area when the leaking tube is located in this area. The proposed change has no affect on the inspection methods, nor does it reduce the effectiveness of the overall unscheduled steam generator tube inspection program. The proposed changes are related to steam generator tube integrity and tube rupture accidents only, which have been analyzed previously. Therefore, the change has no effect on the possibility of creating a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in the margin of safety. The proposed amendment limits the unscheduled inservice inspection to the leaking steam generator following primary-to-secondary leakage through the steam generator tubes which exceeded Technical Specification limits. The proposed amendment also limits the unscheduled inservice inspection to the lane wedge area when the leaking tube is located in this area. Adequate assurance of steam generator tube integrity is maintained and plant safety is enhanced by indentifying potential additional tubes which may be experiencing similar wear, corrosion, or fatigue in the area which is susceptible to such degradation. Appropriate corrective actions are taken to prevent further degradation. Performing a 100% inspection of the lane wedge area tubes following a tube leak in excess of the Technical Specification limits enhances plant safety by identifying tubes with similar degradation. The proposal has no effect on the inspection methods or acceptance criteria, nor does it reduce the effectiveness of the overall unscheduled steam generator tube inspection program. Therefore, it is concluded that operation of the facility in accordance with the proposed amendment does not involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination analysis and agrees with its conclusion. Therefore, the staff proposes to determine that the application for amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administrative, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 23, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which his available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing

held would take place after issuance of the amendment.

If the final determination is that the amendment request involves significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, Washington, DC 200317, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 12, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room located at the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 15th day of March 1990.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Acting Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–6553 Filed 3–21–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–443]

Public Service Company of New Hampshire [1]; Seabrook Station, Unit No. 1; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission or NRC), has issued Facility Operating License No. NPF–86 to Public Service Company of New Hampshire (PSNH) and the owners listed below (the utilities listed below including PSNH collectively referred to as the licensees) which authorizes operation of the Seabrook Station, Unit No. 1, (the facility) at reactor core power levels not in excess of 3411 megawatts thermal (100% of rated power) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan.

On October 17, 1986, the Commission issued Facility Operating License NPF–56 to the licensee for the Seabrook Station, Unit 1 which authorized fuel loading. On May 26, 1989, the Commission issued Facility Operating License NPF–67 to operate at 5% of rated power (170 megawatts thermal).

The Seabrook Station, Unit No. 1 (Seabrook Unit 1) is a pressurized water reactor located on the southeast coast of New Hampshire in Seabrook Township, Rockingham County, New Hampshire. The license is effective as of the date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR chapter I which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on October 19, 1981 (46 FR 51330).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF–86, with Technical Specifications (NUREG–1386) and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated September 1989; (3) the Commission's Safety Evaluation Report, dated March 1983 (NUREG–0896), and Supplements 1 through 9; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Environmental Report and supplements thereto; and (6) the Final Environmental Statement dated December 1982 (NUREG–0895).

These items are available for inspection at the Commission's Public Document Room located in the Gelman Building, Lower Level, 2120 L St., NW., Washington, DC and in the Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833. A copy of Facility Operating License NPF–86 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Project Directorate No. I–3. Copies of the Safety Evaluation Report and Supplements 1 through 9 (NUREG–0896) may be purchased at current rates from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7982 or by calling (202) 275–2060 or (202) 275–2171.

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[1] Public Service Company of New Hampshire is authorized to act as agent for the: Canal Electric Company, Connecticut Light and Power Company, EUA Power Corporation, Hudson Light & Power Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, New Hampshire Electric Corporative, Inc., Taunton Municipal Lighting Plant, The United Illuminating Company, and Vermont Electric Generation and Transmission Cooperative, Inc., and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

Dated at Rockville, Maryland this 15th day of March 1990.

For the Nuclear Regulatory Commission.

Jon R. Johnson,

Acting Director, Project Directorate I-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-6555 Filed 3-21-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

ACTION: The Office of the United States Trade Representative has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

AGENCY: Office of the United States Trade Representtive.

TITLE: Proposed Procedures for Filing Petitions for Action Under Section 301 of the Trade Act of 1974, as Amended.

FORM NUMBER: 15 CFR 2006.

TYPE OF REQUEST: Existing collection in use without an OMB control number.

BURDEN: Average of 6 petitioners per year; average time to prepare petition is 100 hours. No regular reporting or recordkeeping required.

NEEDS AND USES: Section 302 of the Trade Act of 1974, as amended ("the Trade Act") provides for petitions to be filed with the Trade Representative requesting that action be taken under section 301 of the Trade Act related to foreign trade practices that are allegedly actionable under section 301. The information in such petitions, and other information submitted by interested persons during the course of an investigation under section 302 of the Trade Act, is used to determine actionability under section 301 and to determine what action, if any, is appropriate in response to a foreign government practice.

AFFECTED PUBLIC: Business or other for-profit institutions; small business or organizations; trade associations; labor unions; and other private parties.

FREQUENCY: On occasion.

RESPONDENT'S OBLIGATION: Required if respondent wants to petition the USTR to initiate an investigation of a foreign government act, policy, or practice.

The text of the proposed rule associated with this information collection proposal was published at 54 FR 22310 on May 23, 1989.

Written comments and recommendations for the proposed information collection should be sent to C. Marshall Mills, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, D.C. 20503, no later than April 23, 1990.

Joshua B. Bolten,

General Counsel.

[FR Doc. 90-6560 Filed 3-21-90; 8:45 am]

BILLING CODE 3190-01-M

PRESIDENTIAL COMMISSION ON CATASTROPHIC NUCLEAR ACCIDENTS

Meeting

The Presidential Commission on Catastrophic Nuclear Accidents, pursuant to its authority under subsection 170(1), of Public Law 100-408, the Price-Anderson Amendments Act of 1988, will hold a meeting on April 19, 1990, from 10 a.m.-5 p.m., and on April 20, 1990, from 9 a.m.-12 p.m. at the Bellevue Hotel, 15 E St., NW., Washington, DC 20001. The Commission was created to conduct a comprehensive study of appropriate means of fully compensating victims of a catastrophic nuclear accident and to submit a final report to Congress no later than August 20, 1990.

At the April 19 meeting, Marcus Rowden, an attorney with Fried, Frank, Harris, Shriver and Jacobson and former Chairman of the Nuclear Regulatory Commission, will present his views on the issues Congress has directed the Commission to address. There may be other speakers. The Commission will also hold a working session to discuss preliminary drafts of its report.

In addition, on April 11, 1990, the Civil Procedures Committee of the Commission will meet at Columbia Law School, 116 St. and Amsterdam Ave., Rm. 8W20, New York, NY, to discuss its section of the report.

The public is permitted to attend both meetings and there will be time during each session for brief statements. Transcripts or minutes of the full Commission meeting will be available at the Commission office, 600 E St., NW., Room 660.

For further information, contact Jerome Saltzman at 600 E St., NW., Room 660, Washington, DC 20004, (202) 272-5695. Members of the public planning to attend the Commission meeting should contact Mr. Saltzman at (202) 272-5695 at least two days before the meeting date.

Dated: March 19, 1990.

Jerome Saltzman,

Executive Director, Presidential Commission on Catastrophic Nuclear Accidents.

[FR Doc. 90-6573 Filed 3-21-90; 8:45 am]

BILLING CODE 6820-SP-M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act [26 U.S.C., section 3221(c)], the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1990, shall be at the rate of 26 cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning Arpil 1, 1990, 31.3 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 68.7 percent of the taxes collected under such sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: March 14, 1990.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 90-6541 Filed 3-21-90; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Chicago Board Options Exchange, Incorporated

March 16, 1990.

The Chicago Board Options Exchange, Inc. ("CBOE") has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1) (B) and (C) of the Securities Exchange Act of 1934

("Act") [1] and Rule 12f–1 thereunder [2] for unlisted trading privileges ("UTP") in the securities listed below solely for the purpose of trading these securities as part of a market basket on the Standard & Poor's 500 and 100 Indexes ("Index").[3]

St. Jude Medical, Inc.
Common Stock, $0.01 Par Value (File No. 7–5813)
Stride Rite Corporation
Common Stock, $1.00 Par Value (File No. 7–5814)
Autodesk, Inc.
Common Stock, No Par Value (File No. 7–5815)

As indicated in their applications, St. Jude Medical, Inc. and Autodesk, Inc. are over-the-counter ("OTC") securities that are quoted on the National Association of Securities Dealers Automated Quotation System ("NASDAQ") and that are not registered on any national securities exchange. Last Sale information in the stocks, are reported through NASDAQ facilities. The common stock of Stride Rite Corp. is listed and registered on the New York Stock Exchange, Inc. and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 2, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Commentators are asked to address whether they believe the requested grants of UTP would be consistent with section 12(f)(2) of the Act. Under this section the Commission can only approve the UTP application if it finds, after this notice and opportunity for hearing, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

Further, in considering the CBOE's applications for extension of UTP in stocks not registered on another national securities exchange, section 12(f)(2) of the Act requires the Commission to consider, among other matters, the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. The Commission may not grant such application if any rule of the national securities exchange making an application under section 12(f)(1) of the Act would unreasonably restrict competition among dealers in such securities or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–6588 Filed 3–21–90; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S. 781(F)(1) (1982).

[2] 17 CFR 240.12f–1 (1989).

[3] *See* Securities Exchange Act Release No. 27383, (October 26, 1989) 54 FR 45846 approving the trading of baskets of stocks, based on the S&P Indexes, at a single trading location on the exchange.

[Rel. No. 34–27810; File No. SR–CBOE–89–29]

Self-Regulatory Organizations; Notice of Filing and Order Granting Partial Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Operational Procedures for RAES in SPX/NSX Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 8, 1990, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes that the operational procedures governing the CBOE's Retail Automatic Execution System ("RAES") in Standard & Poor's 500 ("S&P 500") Index options ("SPX" or "NSX"),[2] that have been approved on a pilot basis,[3] be extended and made permanent. Additionally, the Exchange proposes to incorporate these operational procedures, along with some proposed modifications, into the CBOE's rules as a new Rule 24.15. Finally, the CBOE requests partial accelerated approval of that portion of its proposal that extends its pilot program. The CBOE's proposed new rule 24.15 is set forth below. (Additions are in italics; deletions are bracketed.)

[This will describe a proposed pilot program by the Exchange concerning a retail automatic execution system ("RAES") in the options class on the Standard & Poor's 500 Index ("SPX"). The pilot is scheduled to begin as soon after approval by the Securities and Exchange Commission as is practicable and to continue for six months. The pilot will operate in a fashion similar to that proposed for RAES in equity options. (SR–CBOE–85–16)]

Rule 24.15 RAES Operations in SPX/NSX

(a)(i) Firms [currently] on the Exchange's Order Routing System ("ORS") will automatically be on [RAES] *the Exchange's Retail Automatic Execution System ("RAES")* for purposes of routing small public customer market *or marketable limit* orders into the RAES system. *Such orders are those defined in Rule 7.4(a) regarding placing of orders on the public customer book. The Index Floor Procedure Committee ("IFPC") shall determine the size of orders eligible for entry into RAES in accordance with paragraph (e) after consultation with the SPX Advisory Committee. For purposes of determining what a small customer order is, a customer's order cannot be split up such that its parts are eligible for entry into RAES.* Firms on ORS have the ability to go on and off ORS at will. Firms not on ORS that wish to participate [in the pilot] will be given access to RAES from terminals at their booths on the floors.

(ii) When RAES receives an order, the system automatically will attach to the order its execution price, determined by the prevailing market quote at the time of the order's entry to the system. A buy order will pay the offer; a sell order will sell *at* the bid. A participating market-maker will be designated as contra-broker on the trade.

[1] The CBOE originally filed the proposal as a filing under section 19(b)(3) of the Act. Subsequently the CBOE amended the filing to seek approval under section 19(b)(2) of the Act. *See* letter from Robert P. Ackermann, Vice President Legal Services, CBOE, to Howard Kramer, Assistant Director, Division of Market Regulation, dated January 22, 1990. The CBOE proposal, as noticed herein, also reflects Amendment No. 2 that the Commission received on March 12, 1990.

[2] SPX options are settled based on the closing prices of the securities comprising the S&P 500 Index on Expiration Friday. NSX option are settled based on the opening prices of the securities comprising the S&P 500 Index on Expiration Friday.

[3] *See* Securities Exchange Act Releases Nos. 23670 (October 1, 1986), 51 FR 36123 and 23590 (September 4, 1986), 51 FR 32708.

(b) It is possible that the prevailing market bid or offer may be equal to the best bid or offer on the Exchange's book. In those instances, a RAES order cannot be executed at a price where the best bid or offer on the book equals the prevailing market. A RAES sell order never can be filled at a price lower than the best book bid, nor can a RAES buy order be filled at a price higher than the best book offer. However, in the case of unusual market conditions, as determined by the Exchange's Vice Chairman and Chairman of the Market Performance Committee ("MPC"), a transaction can take place at the price of the best bid or offer reflected by a booked order.

(c) Under ordinary circumstances, if a RAES order would be executed at the price of one or more booked orders, the order will be rerouted on ORS under the existing ORS parameters. Currently, such an order would be routed to a Floor Broker in the crowd via a printer as determined upon the volume parameters of each firm. In the event that the firm routing the order is not routing orders to the printer in that crowd, the order would print at the firm's booth. The representation, execution and reporting of such an order would occur as it does for all orders so routed.

[Absent a declaration of unusual market conditions, if a RAES transaction occurs at the price of one or more booked orders, the assigned market-maker will be required to buy the book offer or to sell the book bid up to the number of contracts assigned to him by RAES.]

[The Exchange may suspend book participation in RAES for SPX options upon a declaration of unusual market conditions. Such a declaration may be made whenever the Exchange's Vice Chairman and President (or their respective nominees) concur in determining that conditions in SPX are such that it is no longer possible for Exchange operations personnel to conduct normal trading operations and to handle the manual integration of booked and RAES orders.]

[If a suspension of book interaction is declared, a RAES transaction can take place at the price of a booked order. In no case will the RAES order become executed at a price better than the best bid or offer on the book because the prevailing market must be no better than the best bid or offer on the book. Thus, a sell order cannot be filled in RAES at a price lower than the best book bid, nor can a buy order be filled in RAES at a price higher than the best book offer.]

(d) (i) Participating market-makers will be assigned by RAES on a rotating basis, with the first market-maker selected at random from the list of signed-on market-makers. Participating market-makers are obligated to trade at the displayed market quote at the time an order enters the system. Exchange rules shall not apply to the extent that they are inconsistent with [the] *these* terms [of the pilot], including but not limited to Rule 6.45[.] (Priority of Bids and Offers), Rule 6.43 (Manner of Bidding and Offering), and Rule 8.1 (Market-Maker Defined). Position and exercise limits will remain in effect for RAES transactions. [Unless exempted by the Market Performance Committee,] [t] *T*ransactions executed through RAES in SPX/NSX will count toward fulfillment of the in-person requirement of Rule 8.7.

(ii) All participants will be informed of trades immediately upon execution. A fill report [will] *may* be generated to the firms at the firm's point of entry into the system (i.e., either its branch office or floor booth). A trade acknowledgement ticket ("TAT") will be printed at selected locations for delivery to market-makers. A log of all transactions will be available throughout the day for review by participants. Audit reports will be sent to the Exchange's Regulatory Services Division. *The Exchange may provide electronic reporting of trades to participating market-makers in lieu of hard copy TAT's.*

(e) Eligible orders must be market *or marketable limit* orders for ninety-nine or fewer contracts, on series placed on the system. The [Exchange] *IFPC* will have discretion to restrict the size and kind of eligible orders, including but not limited to[,] lowering contract limits. [and limiting orders to market orders.] *Announcements concerning the size and kind of eligible orders will be made as these are adjusted.* The [Exchange] *IFPC* will have discretion to place on the system such series of options as it determines is appropriate. Announcements concerning eligible series will be made daily by the Exchange in the same way new strike prices are currently announced [, that is,] *i.e.,* by memoranda [and] *or* taped telephone messages*).*

(f) Each day the system is available, a post director or his representative will start the system, after quotes in the eligible series have been updated following opening rotation. [If no market-makers sign on, the system will not be started.] *If the system is or becomes unavailable for any reason, eligible orders will be handled as they are handled currently in non-eligible series.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Exchange intends by this filing to formally place in the Exchange's Constitution and Rules the current operational procedures governing RAES in SPX/NSX and seek permanency of the program. The CBOE also is proposing to amend the existing procedures, however, the Exchange does not believe that these changes will substantially alter the Exchange's current interpretations and policies governing RAES operations in S&P 500 options.

The Exchange believes that the proposed changes clarify existing policies regarding the execution of RAES orders. Specifically, the proposed additions provide that: (1) marketable limit orders may use RAES; (2) only non-broker-dealer orders are allowed on RAES; and (3) orders may not be split to meet the size eligibility requirement for RAES orders.

Additionally, the CBOE proposal provides the IFPC with the power to determine the size of eligible orders for RAES in S&P 500 options. The Commission has approved the use of RAES in S&P 500 options for orders up to 99 contracts, however, currently the Exchange only permits orders of 10 or fewer contracts on RAES in S&P 500 options. The CBOE proposal would permit the IFPC to determine the size of orders eligible for RAES up to 99 contracts, as the IFPC deems appropriate, without requiring the CBOE to submit a rule filing to the Commission for such changes.

The CBOE proposal also reflects changes to the operational procedures that guarantee the priority of the book. Since the RAES procedures were approved for S&P 500 options, the CBOE has developed the computer capability

to reroute orders in order to guarantee the priority of the book, even when the prevailing market is the result of booked orders. The CBOE proposal provides, however, that, in the case of unusual market conditions, as determined by the Exchange's Vice Chairman and Chairman of the MPC, a transaction can take place at the price of the best bid or offer reflected by a booked order.

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, section 6(b)(5) of the Act, which provides, among other things, that the rules of the Exchange are to be designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The CBOE has requested that the portion of its proposal that extends the pilot program be given accelerated approval. The Commission finds that this portion of the proposed rule change is consistent with the requirements of the Act because, as it noted when approving the pilot program, the RAES operational procedures improve trading and operational efficiencies in S&P 500 options and provide public customer orders with the efficiencies of automatic execution. The Commission finds good cause for extending the pilot program prior to the thirtieth day of publication of notice of filing in the **Federal Register** because the pilot program has operated effectively since its implementation and the Commission has not received any negative comments regarding the pilot program since its inception. Finally, the Commission's approval is limited until December 31, 1990.

With respect to the other portions of the proposed rule change, within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 12, 1990.

It is therefore ordered, pursuant to section 19(b)(2) of the Act [4], That the proposed rule change (SR–CBOE–89–29) be, and hereby is, approved, solely as it relates to the extension of the pilot program, until December 31, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Dated: March 16, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–6586 Filed 3–21–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27804; File No. SR–MSE–90–02]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Midwest Stock Exchange, Inc., Relating to Precedence of Orders in a Specialist's Book

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 5, 1990, the Midwest Stock Exchange, Inc. ("MSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSE proposes to amend Rule 2 of Article XXX of the Exchange's Rules of the Board of Governors as follows: [Additions italicized; deletions bracketed]

Precedence to Orders in Book

Rule 2. The specialist, co-specialist and relief specialist shall [at all times] give precedence to orders in the book for purchase or sale of securities over the orders which originate with him or it as a dealer, provided, his or its orders and those of his or its customer are market orders, or limited orders at the same price. *Notwithstanding the foregoing, whenever a specialist, co-specialist or relief specialist elects to accept a professional order for the book which is not required to be accepted by such specialist, co-specialist or relief specialist pursuant to the rules and policies of the Exchange, such specialist, co-specialist or relief specialist is not required to relinquish precedence to such order over the orders which originate with him or it as a dealer, provided (a) his or its orders and those of his or its customer are limited orders at the same price, and (b) the specialist, co-specialist or relief specialist is displaying his or its order, including its size, through the quotation system.* No specialist, co-specialist or relief specialist may charge a member or member organization a commission in any transaction in which he or it is a principal.

Interpretations and Policies. . .

.04. A professional order is any order for the account of a broker-dealer, the account of an associated person of a broker-dealer, or any account in which a broker-dealer or an associated person of a broker-dealer has any direct or indirect interest.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of

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[4] 15 U.S.C. 78s(b)(2) (1982).

[5] 17 CFR 200.30–3(a)(12) (1989).

and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections A, B and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The MSE rules currently require a specialist to accept for placement in his/her book all agency limit orders of 2099 shares or less, or any limit order which betters the existing market. Conversely, under the existing MSE rules, a specialist may turn down any agency limit order above 2099 shares or any professional limit order,[1] unless either such order betters the existing market. A specialist, however, may voluntarily accept for placement in his/her book any such order.

MSE's Article XXX, Rule 2, entitled *Precedence to Orders in Book*, currently requires that a specialist must relinquish precedence of orders which originate with the specialist to limit orders which the specialist has accepted for placement in the book at the same price. If a specialist's own order is the best market on the floor and is being displayed, the specialist must relinquish his/her precedence to any order at the same price, agency or professional, which the specialist is either required to or voluntarily accepts for placement in his/her book. A specialist may maintain his/her precedence, however, by turning down an order at the same price for placement in the book which he/she is not required to accept under MSE rules.

The proposed rule change amends Article XXX, Rule 2, so that a specialist would not be required to relinquish precedence to a professional order which the specialist has elected to accept, over his/her own orders at the same price, if the specialist was displaying his/her interest over the quotation system. This change should provide a fair and equitable accommodation in order to encourage specialists to accept as many limit orders as possible, while at the same time giving specialists the flexibility they need to better manage their inventory. It should also encourage a specialist to display his/her true interest with size.

The proposed rule is consistent with section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade. In addition, it removes an impediment to and helps perfect the mechanism of a national market system by allowing specialists on the Exchange to more effectively compete.

[1] A professional order is defined as any order for the account of a broker-dealer or an affiliate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public 20549. Copies of such filing will also be available for inspection and copying at the principal office of the MSE. All submissions should refer to File No. SR–MSE–90–02 and should be submitted by April 12, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 14, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–6505 Filed 3–21–90; 8:45 am]

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[Rel. No. 34–27807; File Nos. SR–NSCC–89–22 and SR–ISCC–89–02]

Self-Regulatory Organizations; National Securities Clearing Corporation; International Securities Clearing Corporation; Order Approving Proposed Rule Changes Concerning Time Period for Satisfying Increased Clearing Fund Deposits

March 16, 1990.

On January 2, 1990, the National Securities Clearing Corporation ("NSCC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] filed a proposed rule change to allow NSCC to decrease the number of days members have to satisfy an increase in their clearing fund required deposit from ten business days to five business days. On January 2, 1990, the International Securities Clearing Corporation ("ISCC") filed a similar proposed rule change pursuant to section 19(b)(1) of the Act, to allow ISCC to decrease the number of days members have to satisfy an increase in their clearing fund required deposits from ten business days to five business days. On January 26, 1990, the Commission published notice of the rule changes to solicit comments from interested persons.[2] No comments were received. The Commission is approving the NSCC and ISCC proposals for the reasons discussed below.

I. Description

The NSCC and ISCC proposals would reduce the time that NSCC and ISCC members have, after receiving notice of an increase in their required clearing fund deposits, to satisfy the increase or notify NSCC or ISCC, respectively, of their intent to withdraw from membership in NSCC or ISCC, respectively.[3] Under current NSCC and

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] *See* Securities Exchange Release Nos. 27636 (January 18, 1990), 55 FR 2725; 27635 (January 18, 1990), 55 FR 2722.

[3] If a clearing member terminates its membership in NSCC or ISCC after five days from notification of the increased deposit, the member is nevertheless responsible for the increase.

ISCC rules,[4] a member has up to ten business days after notification of an increased clearing fund deposit requirement, to either deposit the increase in the clearing fund requirement or withdraw from membership as a clearing member.

II. Rationale for the Proposals

NSCC and ISCC believe that the proposals are consistent with section 17A of the Act in that the proposals are designed to reduce NSCC's and ISCC's risk exposure by getting increased clearing fund deposits into NSCC's and ISCC's possession as soon as possible. NSCC and ISCC also believe that the proposals facilitate NSCC's and ISCC's capacity to safeguard securities and funds in their custody or control and to protect the public interest and are therefore consistent with the requirements of section 17A.

III. Discussion

Section 17A of the Act requires that a clearing agency be so organized and have the capacity to be able to safeguard securities and funds in its custody or control or for which it is responsible. Although the Act does not require clearing agencies to establish and maintain clearing funds, the Commission has published standards for clearing agency registration to be used by the Division of Market Regulation, which state "it is appropriate for a clearing agency to establish by rule an appropriate level of clearing fund contributions based, among other things, on its assessment of the risks to which it is subject".[5]

One of the ways NSCC and ISCC reduce the risk due to member defaults is through their clearing funds. Contributions to the clearing fund are determined by a formula based on a participant's usage of the various services offered on a uniform and non-discriminatory basis.[6] NSCC's and ISCC's clearing funds provide, among other things, a defense against financial losses due to participant defaults; a ready source of liquid funds to meet temporary financial needs, including participant defaults; and a vehicle to reduce risk mutualization among participants.

The Commission believes that the proposals are consistent with section 17A of the Act. The Commission believes that by shortening the period for a clearing member to deposit the increased clearing fund contribution, NSCC and ISCC will maximize the effectiveness of the clearing fund to defend against losses due to participant defaults (individually and collectively).

In the event a clearing member defaults, and the defaulting member's clearing fund contribution is not sufficient to satisfy the defaulting member's obligation, NSCC and ISCC may assess non-defaulting members *pro rata*.[7] Thus, the greater the deficit in the defaulting member's clearing fund deposit, the greater the potential loss to all non-defaulting members.[8] Under the proposal, NSCC and ISCC will enhance liquidity and reduce risk mutualization by requiring increases to be deposited within a shorter period of time. The Commission believes the proposal promotes effective risk management, thereby facilitating NSCC's and ISCC's ability to safeguard funds and securities in NSCC's and ISCC's custody and control consistent with the Act.

IV. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule changes are consistent with the Act and, in particular, with section 17A.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule changes (SR–NSCC–89–22 and SR–ISCC–89–02) be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–6587 Filed 3–21–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27803; File No. SR–NYSE–88–32]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Stock Allocation Procedures

I. Introduction

On October 20, 1988, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder,[1] copies of a proposed rule change to revise and codify its procedures governing the allocation of equity securities to specialist units.

Notice of the proposal together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 26277, November 14, 1988) and by publication in the **Federal Register**, 53 FR 46959. No comments were received in connection with the proposal.

The Exchange's current allocation policy was established in 1976 following a comprehensive review of the Exchange's allocation system undertaken by a special committee appointed by the Exchange's Board of Directors ("Board").[2] Under the current allocation policy, all specialist units are eligible to apply for an available security.[3] After receiving applications

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[4] *See* NSCC Rules, R. 4 section 7, and ISCC Rules, R. 4 section 7.

[5] *See* Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1980) ("Standards Release").

See also Securities Exchange Act Release Nos. 27611 (January 12, 1990), 55 FR 1890 (January 19, 1990) ("Delta Registration Order"), in which the Commission stated that in evaluating a clearing agency's financial risk management standards, the Commission will examine each clearing agency applicant on a case-by-case basis and, in particular, that Delta, although it does not have a clearing fund, employs safeguards against financial risk to Delta and system participants that are appropriately tailored to the markets served by Delta and otherwise satisfy the requirements of the Act; and 19230 (November 10, 1982), 47 FR 51969 (November 18, 1982), in which NSCC revised its clearing fund rule to provide for equitable allocation, among users of NSCC services, including member banks, based on the risks associated with the member's use.

[6] *See* NSCC Rules, R. 4 section 9 and ISCC Rules, R. 4 section 9. The Commission has temporarily approved revisions to NSCC's clearing fund formula. *See* Securities Exchange Act Release No. 27192 (August 29, 2989), 54 FR 37070 (September 6, 1989). The Commission also has approved, on a temporary basis, changes to NSCC's clearing fund deposit requirements that increase the minimum cash contribution for members who collateralize part of their clearing fund required deposit with letters of credit. *See* Securities Exchange Act Release No. 27664 (January 31, 1990), 55 FR 4297 (February 7, 1990).

[7] NSCC and ISCC may, upon member default, liquidate the defaulting member's open commitments through purchases and sales in the open market. NSCC and ISCC would then cover the loss from liquidation, if any, with the defaulting member's clearing fund deposit. If the defaulting member's clearing fund contribution is insufficient to cover the loss, the Board of Directors of NSCC and ISCC, respectively, may elect to use all or part of their retained earnings or assess non-defaulting members *pro rata*. *See* NSCC Rules, R. 15 sections 3 and 4; ISCC Rules, R. 15 sections 3 and 4. *See also* Securities Exchange Act Release No. 16130 (August 24, 1979), 44 FR 51391 (August 31, 1979).

[8] *Id.*

[1] 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4.

[2] The action group was headed by William M. Batten who subsequently served as Chairman of the NYSE. *See NYSE Report of the Committee to Study The Stock Allocation System*, January 27, 1976 ("January 27, 1976 Committee Report"). The NYSE filed this rule change with the Commission in 1983. *See* Securities Exchange Act Release No. 19628 (March 23, 1983) 48 FR 14103, April 1, 1983 ("March 23, 1983 Release") (SR–NYSE–88–10). This rule filing was never approved and was officially withdrawn by the NYSE with the submission of NYSE–88–32.

[3] Under the existing policy an allocation proceeding is commenced when: (1) a new security is to be listed on the Exchange; (2) a specialty stock is reallocated pursuant to NYSE Rules 103A, 475, or 476; and (3) a specialist unit voluntarily withdraws

for an available security, the Allocation Committee ("Committee") [4] convenes to select a specialist unit for the issue based upon allocation criteria prescribed by the policy. The most significant factor considered by the Committee in its deliberations is specialist performance as measured by a unit's current Specialist Performance Evaluation Questionnaire ("SPEQ") ratings.[5]

Under the current policy, the Committee also considers for each specialist unit applying for an allocation any capital deficiencies, disciplinary history, cautionary actions and justifiable complaints over the last year and other statistical data and information.

The proposed rule change is a result of an in-depth examination of the Exchange's allocation process undertaken by the QOMC in 1987. The proposed rule, among other things, updates the NYSE's procedures and policies regarding the allocation of equity securities to specialist units. The revised policy continues to emphasize specialist performance as the most significant criteria in the allocation process. The revised policy, however, also would use the objective measures currently used to evaluate specialist performance under Rule 103A, as well as certain market making criteria.

Further, as discussed in more detail below, in addition to the existing criteria, the proposal permits the Committee to consider prior allocations of similarly qualified units, listing company input, and special factors for foreign listings. The revised policy also will provide more detail and guidance to the Committee regarding the existing criteria.

The Exchange indicates that the revised allocation procedures are designed to, among other things, ensure that securities are allocated in a fair and equitable manner; to ensure that all specialist units have a fair opportunity for allocations based upon established allocation criteria and procedures; to provide incentives for ongoing enhancement of specialist performance; to provide the best possible match between specialist units and securities; and to contribute to the strength of the specialist system. For these reasons, the Exchange believes that the proposal is consistent with Section 6(b)(5) of the Act.

II. Description of the Proposal

In general, the proposed rule change consists of three components: (1) new Rule 103B;[6] (2) the revised allocation policy; and (3) the application used by specialists to apply for a security posted for allocation.

A. New Rule 103B

The first element of the proposal involves the adoption of new Rule 103B, which provides for the allocation of equity securities to specialists based upon established policies and procedures. Further, the Proposed Rule requires that allocation policies and procedures adopted by the Exchange pursuant to the Rule be made known to the Exchange membership. Finally, the Rule provides for the periodic review of the Exchange's allocation policies and procedures and authorizes the Exchange to revise such procedures as necessary, provided any revisions adopted pursuant to the review are made known to the Exchange membership.[7]

B. Allocation Policy and Procedures

Under the proposed policy, the events triggering an allocation proceeding generally are unchanged.[8] All specialists will continue to be eligible to apply for an available security, except under certain circumstances.[9] Finally, the proposal codifies the Committee's existing selection process and the terms of service for Committee members.

1. Allocation Committee Composition and Member Selection

Under the proposed policy, the membership of the Committee will be slightly altered, although the Committee will continue to have nine members. The policy provides that the Committee will be composed of one specialist, six floor brokers,[10] and two allied members, rather than the current composition of two specialists, five floor brokers, and two allied members. The policy further provides that one member of the Committee, either the specialist or any floor broker, must also be a Floor Governor.

In the proposed rule change, the Exchange states the new composition of the Committee is designed to maximize expertise and objectivity in the allocation process. In this regard, the Exchange believes that the specialist Committee member will provide technical expertise to the Committee's deliberations, while floor brokers and allied members will offer insight into the trading characteristics of new issues and will be better able to assess the strengths and weaknesses of specialist applicants.

With regard to membership selection, the policy provides that individual Committee members will be chosen from an Allocation Panel consisting of 54 members, including floor brokers and specialists with five years of experience on the Exchange Floor, allied members involved in listed equity trading, and all 16 Floor Governors.[11] Committee members will be selected at random from the Allocation Panel and will serve a six month term (with the exception of

its registration in a security due to impending performance improvement or disciplinary actions. Specialist units also are permitted to submit a blanket application to the Allocation Committee whereby the unit agrees to accept any security allocated. *See* March 23, 1983 Release, Exhibit A.

[4] The Committee administers all Exchange rules and procedures relating to stock allocations and is solely responsible for the allocation of equity securities to specialist units. Its activities are overseen by the Exchange's Quality of Markets Committee ("QOMC"), which makes periodic reports to the Board concerning the Exchange's allocation system. *See* January 27, 1976 Committee Report at 9–12. *See also*, Securities Exchange Act Release No. 26277 (November 14, 1988) 53 FR 46959, ("November 14, 1988 Release"), Exhibit B to NYSE–88–32 ("Exhibit B") at 2.

[5] The SPEQ is distributed quarterly to certain floor brokers who evaluate a specialist unit's performance for the preceding quarter based upon their contacts with the unit. *See* Securities Exchange Act Release No. 25681 (May 9, 1988) 53 FR 17287.

[6] *See*, November 14, 1988 Release, Exhibit A.

[7] Of course, the Exchange would be required to submit any revisions to its Allocation policy to the Commission for review pursuant to Section 19 of the Act.

[8] *See*, note 3, *supra* and Exhibit B at 2 and 10. The current policy, however, will be amended to make clear that spin-offs of listed companies, the listing of related companies and relisting of companies are treated as new listings, with the allocation open to all units pursuant to the allocation policy. The Committee, however, will be provided with information concerning the relationship of the new listing to a listed company or prior listing and the name of the specialist involved. Committee members use their own judgment to determine what consideration, if any, should be given to the information.

[9] The Commission recently approved a NYSE proposal that prohibits a specialist unit from applying for a security for six months (with a possible additional six month bar) if the unit has had a specialty stock reallocated due to poor performance, disciplinary action, or a voluntary withdrawal of its registration in such stock due to an impending performance improvement or disciplinary action. *See* Securities Exchange Act Release No. 26487 (January 24, 1989), 54 FR 4359.

[10] Of the six floor brokers, no more than one can be an independent floor broker, or so-called two-dollar broker.

[11] Under the policy, Allocation Panel members will be selected by the QOMC annually for one year terms. When a panel member has served two 6-month Committee terms, the member is automatically rotated off the panel and becomes ineligible for selection to the panel for one year. According to the Exchange, the new limitation upon consecutive panel appointment once a panel member has served two 6-month Committee terms is a departure from current policy, which permits panel members to remain on the panel for six consecutive one-year terms, irrespective of the number of times the panelist has actually been chosen to serve as a Committee member. *See* November 14, 1988 Release and Exhibit B at 5 and 6.

Floor Governors who will serve two-month terms).[12]

The Committee will be headed by a chairman selected from among the floor brokers on the Committee whose firms conduct a public business.[13] The chairman will be elected by Committee members two months prior to the commencement of his term. According to the Exchange, the two month lag period is designed to allow the chariman-select an opportunity to become acquainted with his duties through a QOMC orientation and through discussions with the current and former Committee chairmen. The Committee chairman will serve for the remainder of his six month Committee term.

All eligible Committee members will be expected to vote on each allocation decision and such determination will be made by majority vote, provided a quorum of seven members (as opposed to the current five-member requirement) are present.[14] Nevertheless, because the Exchange believes that the presence of all nine Committee members is essential for optimal participation during Committee's allocation deliberations, it states that it will attempt to have all members present for each allocation decision. To this end, in those instances in which a current Committee member is unavailable for a meeting or is ineligible to participate in the Committee deliberations on certain stocks due to a conflict of interst,[15] the Exchange will use substitutes from the Allocation Panel.

2. Allocation Criteria

The proposal requires that the allocation criteria employed by the Committee in its deliberations be published to the Exchange membership. Generally, the policy does not assign specific weighing to the criteria. Rather, each Committee member must reply upon his own professional judgment in determining how each criterion should be applied in each allocation. The Exchange indicates that the Committee members should evaluate the information presented to the Committee and determine the weight of each criterion based upon their expertise and experience.[16]

The proposed policy sets forth following factors to be considered by the Committee in its deliberations: performance ratings, listing company input, allocations received, capital deficiencies, disciplinary history, and foreign listing considerations.

a. Performance Ratings

Under the proposal, specialist performance will remain the key factor considered by the Committee in awarding securities. Although no specific weighing is assigned to specialist performance, the proposed rule change states that it is, and will remain, the primary factor in allocation decisions. Specialist performance will be measured by a combination of SPEQ results, objective performance measures provided for in Rule 103A[17], and the units' participation rate (called twice total volume, or TTV) and stablization rates.

With regard to the SPEQ, the Committee will consider:

(1) SPEQ ratings in the current quarter, particularly relative to other applicants.

(2) improved ratings;

(3) ratings over time to account for possible aberrations in the unit's ratings;

(4) the strengths of the specialist selected to handle the stock as opposed to the strengths of the specialists designated by other applicant units;

(5) ratings and written comments relevant to particular characteristics of the new stock; and

(6) written SPEQ comments discussing the performance of the entire unit.

Finally, the Committee will be informed of any Rule 103A performance improvement actions commenced against any applicant unit over the past year.

b. Listing Company Input

Under the policy, issuers of securities to be listed on the Exchange will be provided an opportunity to participate in the allocation process on a limited basis. The policy provides that an issuer may submit for Committee review written comments requesting a particular unit or highlighting particular skills necessary to make markets in its stock. The policy further provides that the listing company may, on some occasions, interview a particular unit. In these instances, the Exchange will neither recommend a particular unit for the interview nor arrange the interview. Rather, the Exchange notes that its role in these cases will be limited to providing a facility for the interview if necessary and that it neither encourages nor discourages specialist-issuer interviews.

The NYSE has set forth specific procedures concerning specialist contacts with prospective listing companies during the allocation process. Under these procedures a specialist unit recommended by a listed company would have to submit to the Allocation Committee a written statement describing any meetings or discussions between the unit and the company including any representations or commitments made with respect to the units market capabilities.[18] The Allocation Committee may disqualify from that allocation any unit deemed to have made inappropriate representations.

c. Allocations Received

Allocations received by applicant units over the past year and in the current year also will be a factor considered by the Committee in its allocation deliberations. In considering prior allocations, the Committee will be provided with data containing the number of units that applied for each security allocated and the number of stocks lost through corporate mergers, delistings or other events beyond the

[12] The Committee member terms are staggered so that three Committee members will rotate off the Committee every two moths. In addition, Committee members whose terms expire will be ineligible for immediate reappointment to the Committee, but will be required to wait two months before possible random reselection (the waiting period does not apply to Floor Governors). If, following the expiration of the two-month waiting period, the Committee member is still a panel member, he will be eligible to serve a second Committee term. Following the second Committee term, however, the Committee member is automatically rotated off the panel and is ineligible for further panel membership for one year (except for Floor Governors). *See* November 14, 1988 Release and Exhibit B at 3 and 5.

[13] Floor Governors and brokers whose firms are affiliated with a specialist unit are ineligible to serve as chairman. Incoming floor broker members whose terms are to begin in two months also may be considered for chairman.

[14] The seven members comprising a quorum are five floor brokers, one allied member, and one specialist. If Committee members are unable to serve substitutes from the panel will be used. *See* Exhibit B at 3 and 4.

[15] Under the policy, Committee members will be barred from participating in any allocation decision (1) where the member has applied for the stock or where the member's firm is affiliated with a specialist that has applied for the stock; (2) in any matter concerning a stock in which the member has an investment banking relationship or is in an advisory fee relationship with the issuer of the stock and (3) in any other situation where the committee member believes he or she cannot abide by the criteria due to a potential conflict of interest such as allocations involving a relative of a Committee member or where the member has a financial interest. *See* Exhibit B at 4–5.

[16] Exhibit B at 9.

[17] Rule 103A rates specialists for timeliness of regular openings, promptness in seeking floor official approval of non-regulatory delayed openings, timeliness of report transmittals under the Opening Automatic Reporting System ("OARS"), timeliness of turnaround in the Designated Order Turnaround ("DOT") System, and response to administrative messages.

[18] *See* letter from Susan Culter, Director, Committee Support Services, NYSE to Howard Kramer, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, dated September 25, 1989 ("September 25, 1989 Letter").

specialist's control over the same period. The allocation policy states that data on prior allocations only will be used in comparing similarly qualified applicants.[19]

d. Capital Deficiency and Disciplinary History

Under the proposed policy, the Committee will be provided data identifying which applicant units are in compliance with NYSE capital requirements and, of these, which units are close to the minimum required net capital. An applicant unit's capital position will be summarized from the application deadline date to the date of the allocation meeting. Any applicants that are found to have insufficient capital will be notified prior to the Committee meeting and will be afforded an opportunity to explain to the Committee the circumstances surrounding the capital deficiency. The Committee also will be provided with a summary of each applicant unit's capital history including frequency of past violations and borderline situations.

The Committee also will be required to consider each applicant's disciplinary history. The Committee will be informed of all cautionary letters resulting from inadequate market-making activities for 12 months from the issuance date, cautionary letters involving non-market-making activity and summary fines for 6 months from the date of issuance or levy, significant pending enforcement matters,[20] and disciplinary actions taken during the past six months.[21]

e. Foreign Listings

The Committee will consider special criteria when allocating the securities of non-domestic issuers. According to the Exchange, foreign issues often require that the specialist commit extra resources, to its market making activities for the foreign issue, in order to be competitive in the foreign market. Accordingly, in awarding these listings, the Committee will be required to consider an applicant's commitment to develop appropriate relationships with both arbitrage houses and foreign brokerage firms in addition to the unit's commitment to familiarize itself with all aspects of trading foreign issues (*e.g.*, trading the stock in the home market, international arbitrage, international currency rates and the mechanics of major foreign stock exchange).

f. Criteria for Non-Specialist Applicants

Finally, applicant units with no prior history as a specialist will receive special consideration in order to ensure that allocations involving these applicants are fair and equitable. Thus, in assessing such applicants, the Committee will consider among other things the proposed unit's understanding of the specialist business and the proposed unit's ability and willingness to trade as necessary to maintain fair and orderly markets and to facilitate the execution of orders.[22]

3. Allocation Application, Notification and Education

The final element of the proposal concerns the applications used by specialists to apply for new listings. Under the proposal, all specialist unit applicants will be required to submit along with its application a written statement requesting assignment of the stock to be allocated. The statement also must include a discussion of the reasons why the unit believes it should receive the stock, the specialist who will handle the stock, the manner in which the unit will distribute its resources to accommodate the stock, and contingency plans for increased activity in its specialty stocks.[23] In addition, the unit is encouraged to include all other relevant information in the statement that it wishes the Committee to consider when it reviews the unit's application. The application also contains a set of questions the specialist will be required to complete concerning the issuer of the stock to be allocated and certain Exchange rules.

Specialists will continue to be permitted to apply for securities by blanket application.[24] According to the Exchange, because allocations pursuant to a blanket application are triggered when the Committee determines that the pool of applicants for the particular security is unsuitable, any stock assigned pursuant to a blanket application will not be regarded as a security received and thus will not be a factor in an applicant unit's eligibility for future allocations.[25]

Finally, the Exchange's appellate review procedures will be unaffected by the proposed rule change. Accordingly, a specialist unit will be permitted to appeal to the Board any allocation decision made by the Committee pursuant to Article IV, Section 14 of the NYSE Constitution.

III. Discussion

We have reviewed the proposed revisions to the Exchange's allocation procedures and believe that the modifications will refine the Exchange's allocation process and will ensure that all specialists have a fair opportunity for allocations.

First, in regard to Allocation Committee membership, as noted above, the revised membership, requirements reduce the number of specialists on the Committee from two to one and increases the number of floor brokers on the Committee from five to six. The Commission concurs with the Exchange's conclusion that floor brokers and allied members are in the best positions to judge the relative strengths and weaknesses of special units. Accordingly, the Commission believes that the revised mix of Committee members is appropriate and consistent with the Act.

Second, as for the terms of service for Committee members, the Commission believes, as the Exchange maintains, that the staggered Committee terms, in addition to the random selection process, should allow for greater objectivity in the Committee's decision-making process and ensure that a broader segment of the trading floor community will have an opportunity to serve on the Committee.[26] We note that under the bi-monthly rotation system, in which three Committee members will be rotated off the Committee every other month, the Committee will experience a complete turnover of members semi-annually. The Commission does not believe the frequent turnover of Committee members is inconsistent with the Act or the Exchange's allocation objectives, but rather believes that the

[19] *See* September 25, 1989 Letter, *supra* note 18.

[20] Investigations are included in an allocation file when a stipulation is signed or charges are issued.

[21] As noted above, a specialist unit that has had a specialty stock reallocated as a result of a disciplinary proceeding or performance improvement action or, when threatened with such action surrenders the stock, will be barred from participating in the Exchange's allocation process for six months. This six month ban can be extended for an additional six months under certain circumstances. *See* note 9, *supra*.

[22] In this regard, the Committee will evaluate the proposed unit's capital commitment, specialist and clerical support, any available record of the entity or its participants as a specialist or market maker on another exchange during the prior 12 months and any action taken or warning issued within the past 12 months by any regulatory or self-regulatory organization against the proposed unit or any of its members involving any capital or operational probelm or any Floor-related activity. *See* November 14, 1988 Release and Exhibit B at 10–11.

[23] *See* Exhibit C, SR–NYSE–88–32.

[24] *See* note 3, *supra* and Exhibit B at 11.

[25] *But see* discussion, *infra*, concerning the limited use of prior allocations as a factor in the allocation process.

[26] In this regard, the Commission believes that the provision prohibiting panel service for one-year when a panelist has served on the Committee for two six-month terms, rather than permitting such persons to remain on the panel for six consecutive one-year terms as under the current policy, will have a similar beneficial impact by broadening the pool of panel members available for Committee membership.

system will prevent entrenchment among Committee members and ensure the Committee members reflect different professional experiences and perspectives on a continuous basis. Accordingly, the Commission believes that the selection process and Committee terms are appropriate.

Third, the Commission believes that the proposed allocation criteria are reasonable and should further the overall objectives of the Exchange's allocation system. As discussed above, the NYSE's allocation policy states that the most significant allocation criterion is specialist performance as measured by the SPEQ, Rule 103A objective performance measures, stabilization rates, and participation rates. The Commission agrees with the NYSE that specialist performance should be the key allocation criterion. In the Commission's view, performance-based stock allocations will not only help ensure that stocks are allocated to the top specialists who will make the best markets, but will provide an incentive for specialists to improve their performance or maintain superior performance.

The Commission believes that using SPEQ ratings and the objective measures provided by Rule 103A should enable the Allocation Committee to review specialist performance in a more precise and comprehensive fashion and ensure that the best performing units receive allocations. With regard to a specialist unit's participation and stabilization rates, the Commission believes that these objective market making measures will provide the Committee with a quantitative analysis of the unit's proprietary performance, particularly the unit's willingness to trade as necessary to maintain fair and orderly markets. In this regard, we note that the Commission has longed believed that objective indications of a unit's market making performance should play a role in measuring NYSE specialist performance for allocation purposes.[27] In particular, the Commission believes that objective performance measures can identify poor market making performance that otherwise may not be reflected in a unit's SPEQ survey results.

The NYSE's allocation policy does permit the Allocation Committee to consider several other factors in addition to specialist performance when making an allocation decision. The Commission believes that consideration of a unit's capital adequacy, based on its current capital position as well as its history of compliance with Exchange capital requirements, is relevant to the allocation process because a unit needs to be sufficiently capitalized to fulfill its general market making obligations.

As for a specialist firm's disciplinary history, the Commission believes that this is an important criterion to be considered in awarding new issues. A unit's lack of compliance with Exchange rules and procedures should have an impact upon its future ability to receive new listings.[28] In the Commission's view, allocation awards to units with histories of disciplinary actions could retard the deterrent effect of the disciplinary process. This is especially true if the disciplinary actions arose from rule violations including poor market making activities. Accordingly, the Commission believes that a review of cautionary letters issued, and disciplinary action taken as against a unit applying for an allocation, along with any significant pending enforcement matters, is relevant to the allocation process and whether an additional allocation should be made to a particular unit.

The remaining criteria that can be considered by the Allocation Committee under the proposed policy—issuer input and recent allocations—do not relate to specialist performance.[29] The Commission previously has had an opportunity to address issuer input in the context of allocation procedures of the American Stock Exchange, Inc. ("Amex"). In approving the Amex procedures the Commission was concerned about the effect issuer choice could have on specialist performance and contacts between issuers and specialists prior to an allocation.[30] Although the NYSE procedures provide less direct input from issuers than the Amex procedures, the NYSE's listed company input criterion still raises similar concerns.

First, a listing company's preference should not be allowed to take significance over or negate the specialist performance factor. In this regard, we note that although the policy does not establish relative weights for each particular performance factor, it does state that the key criteria for allocation is specialist performance. Accordingly, the listing company preference is a minor, supplemental factor, and only should be used to distinguish between the best qualified units based on the performance related criteria.

Second, the listed company input criterion raises concerns about interactions between specialist units and issuers prior to allocations. In particular, the allocation process would be marred if it became centered around specialist promotional campaigns to obtain recommendations of issuers for a future listing.[31] In this context, the Commission believes that adequate surveillance is needed to ensure that specialist units are not making inappropriate representations on their market making capabilities in order to obtain issuer recommendations.

In response to this concern the NYSE has proposed procedures to monitor specialist contacts with listing companies. Under these procedures, a specialist unit recommended by a listing company would have to submit a written statement to the Allocation Committee describing any meetings or discussion which members of the unit had with the company including any representations or commitments made with respect to the unit's market making capabilities. The Allocation Committee may disqualify from that allocation any unit deemed to have made inappropriate representations.[32] Inappropriate representations by a specialist to obtain an issuer recommendation could include, but is not limited to, misrepresentations on market making capabilities or promises unrelated to the specialist's role in making a market in the issuer's stock.[33] The Commission is

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[27] *See* Letter from Douglas Scarff, Director, Division of Market Regulation, to John J. Phelan, Jr., President, NYSE, dated, November 10, 1981. The Commission continues to believe the NYSE should evaluate whether other objective market making criteria, such as depth and continuity, should also be incorporated into the allocation process. *See* Securities Exchange Act Release No. 25681 (May 9, 1988), 53 FR 17287. *See also* letter to John J. Phelan Chairman, NYSE, from Richard G. Ketchum, Director, Division of Market Regulation, dated May 9, 1988.

[28] As noted above the Commission recently approved an NYSE rule filing that prohibits a specialist unit from receiving an allocation under certain circumstances. *See* note 9, *supra*.

[29] Because capital adequacy and disciplinary history are directly related to a specialist's ability to maintain fair and orderly markets in a stock, the Commission believes consideration of these factors are related to specialist performance.

[30] *See* Securities Exchange Act Release No. 23593 (September 5, 1986), 51 FR 32985. The Amex procedures permit an issuer to choose its specialist unit from a list of seven units selected by the Amex's Committee on Equities Allocations ("Amex Allocation Committee"). In addition, issuers have the alternative to eliminate three specialists from a list of ten units compiled by the Amex Allocation Committee.

[31] We note that the Amex implemented special procedures to reduce the likelihood that specialists would develop inappropriate or prohibited relationships with issuers. *Id.*

[32] *See* September 25, 1989 Letter, *supra* note 18.

[33] Telephone conversation between Susan Cutler, Director, Committee Support Services, NYSE, and Sharon Lawson, Special Counsel, Division of Market Regulation, Securities and Exchange Commission, on March 12, 1990.

satisfied that these procedures will ensure the integrity of the issuer input process.

The other non-performance factor—recent allocations—is of extremely limited utility in the allocation process. Clearly this standard should never be used to preclude the most qualified specialist unit from receiving a stock allocation. Otherwise, this criterion could result in penalizing a specialist unit that received allocations on prior occasions based on superior performance and thereby send the wrong message to the specialist community—*i.e.*, that quality performance and the increased success in the allocation process that typically accompanies such performance is no longer a profitable objective. This result would be contrary to the Commission's view of encouraging quality performance through the allocation process.

To address the concern that this criterion could be applied in a manner that de-emphasized quality performance in the allocation process, the Exchange has amended the policy in two ways. First, the policy will state that the recent allocation criterion only can be used when comparing similarly qualified units. Accordingly, recent allocations only will be considered after the list of applicants has been narrowed by application of the key criteria—specialist performance—and no clear winner has emerged. Second, the NYSE only will consider prior allocations of similarly qualified units over the past year and current year rather than the past two years and current years as originally proposed. We believe these changes address the Commission's concern about using prior allocation in the allocation process and will ensure that specialist performance continues to be the premier criterion used by the Committee in making allocation decisions.

In light of the special characteristics and needs of foreign listings, the Commission concurs in the Exchange's assessment that the allocation of these stocks merit special consideration and believes that the foreign listing criteria are appropriate. We also note that foreign securities will play an increasingly active role in the U.S. securities markets.[34] Accordingly, the Commission believes that the NYSE's adoption of special standards for these listings is appropriate. Again, these standards would be supplemental in that specialist performance would remain the key factor.

Finally, the Commission reviewed the criteria for applicants that are not currently NYSE specialists, in light of the requirements in Section 6(b)(8) of the Act that rules of an exchange not impose a burden on competition. As a preliminary matter, the Commission believes that non-specialist applicants are entitled to have an equal opportunity to apply for and receive new listings. While a proposed unit may not have a history of market making activity, these factors alone should not serve as a barrier into the specialist business.

The Commission has concluded that the criteria proposed by the Exchange for new units will enable them to compete effectively with the more established units. As discussed above, the policy requires a proposed unit to demonstrate to the satisfaction of the Committee that it has an understanding of the specialist business; that it is capable and willing to maintain fair and orderly markets in its specialty stock and that it will provide sufficient depth and liquidity to its markets. In addition, the specialist designated to handle the stock also must have passed the necessary examination and met all other Exchange requirements. Finally, the Committee will review any existing specialists performance on another exchange for the past 12 months, in addition to any action taken or warning issued within the passed 12 months by any regulatory or self-regulatory organizations.

The Commission believes that these requirements are fair and are not unnecessarily restrictive or difficult for a proposed specialist unit to meet. These requirements directly relate to the ability of the applicant to perform as a specialist in a quality manner. Moreover, new units that do not meet the standards to the satisfaction of the Committee, but beleive that they are nonetheless qualified for a certain stock allocation, may appeal the Committee's decision to the NYSE's Board. This safeguard will help ensure that new units will not be treated unfairly.

IV. Conclusion

The Commission believes that the revised allocation procedures enhance the Exchange's allocation process, that the proposal is likely to encourage improved specialist performance, and that it is consistent with investor protection and the public interest.

As noted above, the Commission would be concerned about any application of the policy that would permit non-performance related criteria such as listed company input or recent allocations to be the key factor in an allocation decision. Although the policy does not apply relative weights for each allocation criteria but rather states that each Committee member will evaluate how the criteria should be applied, the policy does state that performance is the most significant criteria. Accordingly, the NYSE's allocation policy will ensure that only those units with superior performance receive allocations. This will not only be beneficial to the allocation process itself but will provide an incentive for maintaining quality performance or improving mediocre or poor performance.

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the rquirements of sections 6, 11 and 11A and the rules and regulations thereunder. The Commission believes the proposed rule change will encourage improved specialist performance consistent with the protection of investors and the public interest. In addition, by encouraging improved specialist performance the proposed rule will promote just and equitable principles of trade as required by section 6(b)(5) of the Act and the maintenance of fair and orderly markets pursuant to section 11(b) and Rule 11b-1 thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act that the above-mentioned proposed rule be, and is, hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 14, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-6508 Filed 3-21-90; 8:45 am]

BILLING CODE 8010-01-M

[34] According to the 1989 *NYSE Fact Book*, in 1988 12 additional foreign companies were listed on the Exchange, resulting in a total of 77 foreign corporate issuers listed, and 82 foreign issues traded, on the NYSE. The 1988 reported share volume in these foreign stocks totaled 1,754.2 million shares. Foreign issuers comprised over 4% of the total 1,681 companies whose stock is listed and traded on the Exchange. *See* 1989 *NYSE Fact Book* pgs. 4 and 25.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

March 16, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section

12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

First Philippine Fund Inc.; Common Stock, $.01 Par Value (File No. 7-5808)
Future Germany Fund, Inc.; Common Stock, $.0001 Par Value (File No. 7-5809)
Reading & Bates Corporation; Common Stock, $.05 Par Value (File No. 7-5810)
Teppco Partners, L.P.; Units (File No. 7-5811)
TRC Companies, Inc.; Common Stock, $.10 Par Value (File No. 7-5812)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 9, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-6589 Filed 3-21-90; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

March 16, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Burnham Pacific Properties, Inc.; Common Stock, No Par Value, (File No. 7-5802)
Cabot Oil & Gas Corporation; Class A Common Stock, $.10 Par Value (File No. 7-5803)
Connecticut Energy Corp.; Common Stock, $.13½ Par Value (File No. 7-5804)
J.P. Industries, Inc.; Common Stock, $0.10 Par Value (File No. 7-5805)
Service Resources Corporation; Common Stock, $1 Par Value (File No. 7-5806)
Silicon Graphics, Inc.; Common Stock, $0.001 Par Value (File No. 7-5807)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 9, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-6590 Filed 3-21-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17382; 811-5753]

ACM High Income Fund, Inc.; Application for Deregistration

March 15, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: ACM High Income Fund, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATES: The application on Form N-8F was filed on December 7, 1989.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 10, 1990 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary. *Addresses:* Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 1345 Avenue of the Americas, New York, New York 10105.

FOR FURTHER INFORMATION CONTACT: Sheryl S. Maliken, Staff Attorney, (202) 272-2190, or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or contacting the SEC's commercial copier at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is a closed-end, diversified management investment company incorporated in the state of Maryland. On January 13, 1989, applicant registered under the 1940 Act and also filed a registration statement pursuant to the Securities Act of 1933. The registration statement was never declared effective and applicant never made a public offering of its securities.

2. Applicant has not transferred any of its assets to a separate trust within the last 18 months. Applicant has not retained any assets for any purpose.

3. Applicant has no shareholders and is not aware of any debts or liabilities. Applicant is not a party of any litigation or administrative proceeding, and is not now and does not propose to engage in any business activities other than those necessary to wind up its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-6506 Filed 3-21-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17380; 811-3305]

Metro Portfolio Investor's Stock Fund; Application for Deregistration

March 14, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Metro Portfolio Investor's Stock Fund ("Applicant").

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATES: The application on Form N-8F was filed on June 27, 1989.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 13, 1990, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 82 Devonshire Street, Boston, Massachusetts 02109.

FOR FURTHER INFORMATION CONTACT: Patricia Copeland, Legal Technician, (202) 272-3009, or Max Berueffy, Branch Chief, (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is a Massachusetts business trust and organized as an open-end diversified management investment company. On October 29, 1981, Applicant filed a Notification of Registration on Form N-8A pursuant to section 8(a) of the 1940 Act, to register an indefinite number of shares in the American Money Market Fund. The initial public offering commenced on April 21, 1982.

2. On June 30, 1983, the American Money Market Fund (the "Fund") ceased operations and redeemed all shares outstanding with the exception of 100,000 shares representing the initial capital of Fidelity Management & Research Company, the Fund's investment adviser. On July 26, 1984, the Fund filed with the SEC a post-effective amendment to change the Fund's name to Metro portfolio Investor's Stock Fund and to restructure the Fund's investment objective.

3. On July 22, 1988, January 12, 1989, and March 6, 1989 the Board of Trustees of the Applicant adopted resolutions authorizing the sale of the assets of the Applicant to Fidelity Trend Fund (File No. 811-790) and the subsequent liquidation of the Fund.

4. At a meeting held on December 16, 1988, Applicant's shareholders approved the sale of the assets of the applicant to Fidelity Trend Fund.

5. As of the close of business on March 3, 1989, there were 192,821,497 shares of the Applicant issued and outstanding with an aggregate net asset value of $2,547,171.98 and a net asset value per share of $13.21.

6. On March 6, 1989, all of the portfolio securities held by the Applicant were transferred to Fidelity Trend Fund in exchange for shares. The number of shares of Fidelity Trend Fund issued in exchange for Applicant's assets was determined on the basis of the aggregate value of the assets of Applicant to be transferred and the net asset value per share of Fidelity Trend Fund. Applicant distributed 62,400.097 shares of Fidelity Trend Fund to Applicant's shareholders pro rata in liquidation of the Applicant.

7. Expenses in connection with the merger consisted primarily of legal fees. These expenses were paid by The Portfolio Group, Inc., the investment adviser to Applicant. Certain expenses that incurred with respect to the preparation of Fidelity Trend Fund's proxy solicitation materials were assumed by Fidelity Distributors, Applicant's distributor. No brokerage commissions were paid.

8. Applicant intends to file a notice of termination with the Secretary of State of the Commonwealth of Massachusetts. Applicant has no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not engaged, nor does it propose to engage in any business activities other than those necessary to wind up its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-6507 Filed 3-21-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-90-13]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: April 16, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 14, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 21350
Petitioner: The Coastal Corporation

Sections of the FAR Affected: 14 CFR 61.58(c)
Description of Relief Sought: To allow petitioner's company pilots to complete 100 percent of their required pilot-in-command, 24-month biennial proficiency check requirements in an FAA-approved simulator, specifically for the BAC 1–11 airplane.

Docket No.: 23455
Petitioner: Reeve Aleutian Airways, Inc.
Sections of the FAR Affected: 14 CFR 121.574(a) (1), (3), and (4)
Description of Relief Sought: To allow petitioner to carry and operate aboard its aircraft certain oxygen storage, generating, and dispensing equipment for medical use by patients requiring emergency medical attention and being carried as passengers when the oxygen equipment is furnished and maintained by hospitals, clinics, or city/village emergency medical services, within the State of Alaska, subject to certain conditions and limitations.

Docket No.: 25552
Petitioner: Alaska Department of Transportation and Public Facilities
Sections of the FAR Affected: 14 CFR 45.29(h)
Description of Relief Sought: To extend Exemption No. 4910 that allows persons to operate aircraft across the inner portion of the Alaskan ADIZ without displaying temporary or permanent registration marks at least 12 inches high, unless otherwise required by any other provision of the FAR. Exemption No. 4910 will expire on June 30, 1990.

Docket No.: 26069
Petitioner: Amarillo International Airport
Sections of the FAR Affected: 14 CFR 107.14(c)(3)
Description of Relief Sought: To allow petitioner to delay, for 12 months, its submission of its proposed system, method, or procedure to control access to secured areas of the airport.

Docket No: 26111
Petitioner: American Airlines Inc.
Sections of the FAR Affected: 14 CFR 121.133(c)
Description of Relief Sought: To allow petitioner to utilize compact disc read only (CD–ROM) technology for maintenance information and instruction instead of printed page form or microfilm.

Docket No: 26133
Petitioner: National Soaring Foundation, Inc.
Sections of the FAR Affected: 14 CFR 61.3 and 91.27
Description of Relief Sought: To allow foreign-built gliders to participate in the 16th National Standard Class Soaring Championships in Hobbs, New Mexico, on July 24–August 2, 1990.

Dispositions of petitions

Docket No: 22286
Petitioner: Finnair
Sections of the FAR Affected: 14 CFR 21.197
Description of Relief Sought/ Disposition: To extend exemption No. 4598, as amended, that allows petitioner to fly its DC–10–30 aircraft number N345HC to a base for repairs, alterations, or maintenance when it does not meet all applicable airworthiness requirements but is capable of safe flight. *Grant, January 25, 1990, Exemption No. 4599B*

Docket No: 25506
Petitioner: United States Navy
Sections of the FAR Affected: 14 CFR 91.24(b)
Description of Relief Sought/ Disposition: To allow petitioner to conduct aircraft operations with its aircraft transponders turned off. In order to conduct realistic combat training, its pilots need to conduct flight operations without having to operate transponders. Exempted operations could be conducted safely by containing the operations in resticted areas in the vicinity of Naval Air Station Fallon, which are under the operational control of the petitioner. *Grant, February 20, 1990, Exemption No. 5156.*

Docket No: 25728
Petitioner: Trans World Airlines, Inc.
Sections of the FAR Affected: 14 CFR part 121, Appendix H
Description of Relief Sought/ Disposition: To amend Exemption No. 5097 to delete the requirement that simulator training be accomplished with an L–1011 line-qualified pilot in command in the left seat and with an L–100 line-qualified flight engineer at the flight engineer station. *Grant, March 1, 1990, Exemption No. 5097A*

Docket No: 26008
Petitioner: Life Industries International, Inc.
Sections of the FAR Affected: 14 CFR 133.45(e)(1), (2), and (3)
Description of Relief Sought/ Disposition: To allow certain rotorcraft to participate in the research, development, and implementation of equipment and aircrew training for emergency life saving opertions involving personnel lifting devices. *Withdrawn, January 26, 1990.*

[FR Doc. 90–6480 Filed 3–21–90; 8:45 am]
BILLING CODE 4910–13–M

Aviation Security Advisory Committee; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of Aviation Security Advisory Subcommittee Meeting.

SUMMARY: Notice is hereby given of a meeting of the Threat Analysis and Communications Subcommittee of the Aviation Security Advisory Committee.

DATES: The meeting will be held April 11, 1990, from 10 a.m. to 1 p.m.

ADDRESSES: The meeting will be held in Room 1236, J. Edgar Hoover Building, Federal Bureau of Investigations (FBI) Headquarters, 10th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–9863.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Threat Analysis and Communications Subcommittee of the Aviation Security Advisory Committee to be held April 11, 1990, in Room 1236, J. Edgar Hoover Building, FBI Headquarters, 10th and Pennsylvania Avenue, NW., Washington, DC.

The Threat Analysis and Communications Subcommittee is chaired by the FBI. The agenda for the meeting is to discuss threat analysis and communication of threat information relative to airline security.

Attendance at the April 11 meeting is open to the public but limited to space available. Oral statements are not anticipated, but written statements may be submitted anytime. Persons wishing to present statements or information should contact the Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–9863.

Issued in Washington, DC on March 9, 1990.

Raymond A. Salazar,
Director of Civil Aviation Security.

[FR Doc. 90–6518 Filed 3–21–90; 8:45 am]
BILLING CODE 4910–13–M

Cockpit Voice Recorder System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO–C123 prescribes the minimum performance standards that a cockpit voice recorder system must meet to be identified with the marking "TSO–C123."

DATE: Comments must identify the TSO file number and be received on or before June 29, 1990.

ADDRESS: Send all comments on the proposed technical standard order to: Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service—File No. TSO–C123, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. *Or deliver comments to*: Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

Proposed TSO–C123 will specify minimum operational performance standards for a cockpit voice recorder system. The document defines an improved minimum performance standard to increase the usefulness of cockpit voice recorders for all aircraft required to carry a cockpit voice recorder system for the purpose of accident investigation.

The document was developed by the European Organization for Civil Aviation Electronics (EUROCAE) with participation by U.S. manufacturers, airline operators, and U.S. civil authorities (Federal Aviation Administration and National Transportation Safety Board). This document is an acceptable international standard.

How To Obtain Copies

A copy of the proposed TSO–C123 may be obtained by contacting the person listed under "For Further Information Contact." Document No. ED–56, Minimum Operational Performance Standard for Cockpit Voice Recorder System, may be purchased from the European Organization for Civil Aviation Electronics, 11 rue Hamelin, 75783 Paris Cedex 16, France, RTCA/DO–160B, Environmental Conditions and Test Procedures for Airborne Equipment, may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005.

Issued in Washington, DC on March 9, 1990.

David W. Ostrowski,

Acting Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 90–6477 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–13–M

Distance Measuring Equipment (DME) Operating Within the Radio Frequency Range of 960–1215 Megahertz

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TRO–C66c prescribes the minimum performance standards that distance measuring equipment (DME) operating within the radio frequency range of 960–1215 mergahertz must meet in order to be identified with the marking "TSO–C66c."

DATES: Comments must identify the TSO file number and be received on or before June 29, 1990.

ADDRESSES: Send all comments on the proposed technical standard order to: Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service—File No. TSO–C66c. Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 *Or Deliver Comments to*: Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

The FAA recently completed a review of airworthiness criteria and approval procedures for distance measuring equipment (DME) operating within the radio frequency range of 960–1215 megahertz in airline service and concluded that TSO–C66b should be revised to address certain issues including design criteria, design changes, and installation approvals for such articles.

Under existing regulations and procedures, a DME approval as part of a type design (original type certificate, amended type certificate, or supplemental type certificate) or under a parts manufacturer approval (PMA) is approved for installation on a specific aircraft model. A DME approved solely under TSO procedures is approved for design and production only, and not for installation on an aircraft model. A separate approval is required for the installation of the DME on a specific aircraft model. It is the responsibility of the aircraft owner or operator to ensure that DME installation replacement or modification for an original DME approved as part of a type design is FAA approved. The revision proposed for TSO–C66 calls attention to the approval procedures under existing regulations, and addresses other aspects of design criteria and design changes. A number of minor editorial changes are also proposed.

How To Obtain Copies

A copy of the proposed TSO–C66c may be obtained by contacting the person under "For Further Information Contact." TSO–C66c references the Radio Technical Commission for Aeronautics Secretariat (RTCA) Document Nos. DO–189, DO–178A, and DO–160B for the minimum performance standards, software considerations, and environmental standards. RTCA Document Nos. DO–189, DO–178A, and DO–160B may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street NW., Washington, DC 20005.

Issued in Washington, DC on March 9, 1990.

David W. Ostrowski,

Acting Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 90–6476 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Montgomery County and the Towns of Blacksburg and Christiansburg, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of the notice of intent.

SUMMARY: This notice rescinds the previous Notice of Intent issued on October 13, 1988 (53 FR 40163), to prepare an environmental impact statement for a proposed highway project to serve as a link between I–81 and Route 460 in the vicinity of Blacksburg, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Welton, District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia, 23240–0045, Telephone (804) 771–2682.

SUPPLEMENTARY INFORMATION: When the Notice of Intent was published, Federal-aid funds were going to be used to build the proposed project; however, due to a lack of available funds, the Virginia Department of Transportation will now build the project solely with State funds.

Issued on: March 9, 1990.

Robert B. Welton,

District Engineer, Richmond, VA.

[FR Doc. 90–6542 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–22–M

Maritime Administration

[Docket S–865]

Aquarius Marine Company, et al.; Application for a Waiver of Section 804 of the Merchant Marine Act, 1936, as Amended, To Permit the Acquisition of an Interest in, Operate, or Charter of Foreign-Flag Tankers

By application of March 1, 1990, Aquarius Marine Company and Atlas Marine Company (Applicants) applied on their own behalf, and on behalf of any subsidiaries, associates or affiliates, for permission to acquire an interest in, operate, or charter up to five foreign-flag liquid or dry bulk carriers each not in excess of 265,000 deadweight tons. Both Applicants presently receive operating-differential subsidy (ODS) and thus must seek a waiver of section 804(a) restrictions before obtaining an interest in any foreign-flag carrier. Applicants request that such waivers be made immediately effective and remain in effect until the termination dates of their respective Operating-Differential Subsidy Contracts—June 25, 1995, for Aquarius Marine and December 30, 1996, for Atlas Marine.

The Applicants believe that allowing them to own, operate or charter five liquid or dry bulk carriers will not create any adverse competitive conditions vis-a-vis the vessels of other U.S.-flag operators. U.S.-flag bulk carriers comprise only a small percentage of the total worldwide bulk fleet comprising hundreds of vessels, and thus changing the ownership status of five of those vessels will have no meaningful adverse impact on U.S.-flag carriers.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application within the meaning of section 804 of the Act and desiring to submit comments concerning the application, must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5 p.m. on April 5, 1990.

This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Administration will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies))

By Order of the Maritime Administrator.

Dated: March 16, 1990.

James E. Saari,

Secretary.

[FR Doc. 90–6543 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–81–M

Office of Hearings

[Docket 46700]

1990 U.S.-Japan Gateways Proceeding; Order Reassigning Proceeding

In the interest of judicial efficiency, and with the concurrence of Administrative Law Judge Daniel M. Head, the above-captioned proceeding is reassigned from Judge Daniel M. Head to Chief Administrative Law Judge John J. Mathias. All future pleadings and other communications regarding this case shall be served on Judge Mathias at the U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590. His telephone number is (202) 366–2142.

So Ordered.

John J. Mathias,

Chief Administrative Law Judge.

[FR Doc. 90–6509 Filed 3–21–90; 8:45 am]

BILLING CODE 4910–62–M

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Competent Authority Ruling

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of competent authority ruling.

SUMMARY: The Director, Office of Hazardous Materials Transportation, RSPA, is the United States Competent Authority for purposes of the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), the International Civil Aviation Organization (ICAO) Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the International Maritime Organization (IMO) International Maritime Dangerous Goods Code (IMDG Code). As such, the Director is authorized to make certain decisions pertaining to the application of the requirements in those publications. This notice advises the public of such a

decision pertaining to performance-oriented packaging test requirements as they apply to combination packages.

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, International Standards Coordinator, Office of Hazardous Materials Transportation, Department of Transportation, Washington, DC 20590–0001; (202) 366–0656.

SUPPLEMENTARY INFORMATION: Under conditions set forth in 49 CFR 171.11 and 171.12, packagings which conform to the provisions of the ICAO Technical Instructions and IMDG Code, respectively, may be used for the transportation of hazardous materials. Effective January 1, 1991, both the ICAO Technical Instructions and the IMDG Code will require the use of non-bulk packagings which conform to performance-oriented standards based on those in the UN Recommendations. A "non-bulk packaging" is a packaging which has a capacity of 400 kilograms or less if intended for solids and a capacity of 450 liters or less if intended for liquids. A series of performance tests establish conformance of a packaging to the applicable standard.

Concern has been expressed to RSPA on the amount of testing of combination packages (e.g., one or more inner packagings secured in an outer packaging) that will be mandatory under these requirements. Both the ICAO Technical Instructions and the IMDG Code provide relief from testing requirements for packagings which vary only slightly from a previously tested design, but the two offer little guidance on what may be considered a minor variation. At a recent meeting of the UN Economic and Social Council's Sub-Committee of Experts on the Transport of Dangerous Goods (UN Sub-Committee), preliminary agreement was reached on clarifications of what variations from previously tested combination package designs could be used without further testing. The final decision on whether to include these clarifications in the UN Recommendations will be made by the full Committee of Experts in December 1990. The Expert from the United States fully supports these clarifications and, as the U.S. Competent Authority, is currently authorized to limit required testing in accordance with these preliminary clarifications. To provide industry with the benefit of these clarifications at the earliest possible date, the Director is issuing this notice. In anticipation of certain other changes that are expected to be made at a subsequent meeting, the clarifications contained in this notice vary slightly from those agreed to by the UN Sub-Committee.

For purposes of paragraph 9.7.1.5 of the U.N. Recommendations, part 7; paragraph 4.1.5 of the ICAO Technical Instructions and paragraph 8.1.5 of Annex 1 to the IMDG Code, the U.S. Competent Authority is limiting required testing of combination packagings that differ only in certain minor respects from the tested design type, as follows:

I. Variations are permitted in inner packagings of a tested design type combination package, without further testing of the package, provided an equivalent level of performance is maintained, as follows:

(a) Inner packagings of equivalent or smaller size may be used provided——

(1) The inner packagings are of similar design (e.g. shape-round, rectangular, etc.) to the tested inner packagings;

(2) The material of construction (glass, plastic, metal, etc.) of the inner packagings offers the same or greater resistance to impact and stacking forces as the originally tested inner packaging;

(3) The inner packagings have the same or smaller openings and the closure is of similar design (e.g. screw cap, friction lid, etc.);

(4) Sufficient additional cushioning material is used to take up void spaces and to prevent significant movement of the inner packagings;

(5) Inner packagings are oriented within the outer packaging in the same manner as in the tested package;

(6) The total number of inner packagings does not exceed that originally tested; and

(7) The thickness of cushioning material between inner packagings and between inner packagings and the outside of the package is not reduced below the thicknesses used in the originally tested package.

(b) A lesser number of the tested inner packagings, or of alternative types of inner packagings identified in item I(a) above, may be used provided sufficient cushioning is added to fill the void space(s) and to prevent significant movement of the inner packagings.

II. Inner packagings of any type, for solids or liquids, may be assembled and transported in an outer packaging without testing of each design type, under the following conditions:

(a) The outer packaging must have successfully passed the drop test set forth in paragraph 9.7.3. of the UN Recommendations, with fragile (e.g., glass) inner packagings at the Packing Group I performance level.

(b) The total combined gross mass of inner packagings may not exceed one-half the gross mass of inner packagings used for the drop test in Item II(a) above.

(c) If the number of inner packagings is different from the number of inner packagings used in the drop test in Item II(a) above, the cushioning thickness between inner packagings, and between inner packagings and the outside of the package, may not be reduced. When only one inner packaging is used in the drop test in Item II(a) above, the cushioning thickness between inner packagings may no less than the cushioning thickness between the inner packaging and the outside of the package in the tested package. When either fewer or smaller inner packagings are used (as compared to the inner packagings used in the drop test), sufficient additional cushioning material must be used to take up void spaces.

(d) The outer packaging (empty) must successfully have passed the stacking test set forth in paragraph 9.7.6 of the UN Recommendations. The total mass of identical packages must be based on the combined mass of inner packagings used for the drop test in Item II(a) above.

(e) Inner packagings containing liquids must be completely surrounded with a sufficient quantity of absorbent material to absorb the entire liquid contents of the inner packagings.

(f) When the outer packaging is intended to contain inner packagings for liquids and is not leakproof, or is intended to contain inner packagings for solids and is not siftproof, a means of containing any liquid or solid contents in the event of leakage must be provided in the form of a leakproof liner, plastic bag or other equally efficient means of containment.

(g) For air transport, packagings must comply with paragraph 9.3.4.1 of the UN Recommendations.

(h) Packagings must be marked in accordance with paragraph 9.5 of the UN Recommendations as having been tested at the Packing Group I performance level. The marked maximum gross mass may not exceed one-half the gross mass used for the drop test with inner packagings referred to in Item II(a) above. In addition, the letters "SP" must be added at the end of the marking required by paragraph 9.5.1 (g) of the UN Recommendations.

Issued in Washington, DC, on March 15, 1990.

Alan I. Roberts,

Director, Office of Hazardous Materials, Transportation.

[FR Doc. 90-6462 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-60-M

[Docket 46608]

Trump Shuttle, Inc.; Request for Further Comment

Following the March 7, 1990 decision of the Director, Office of Aviation Information Management, declining to reverse his denial of the Trump Shuttle, Inc. (Trump) request for confidential treatment, the Director submitted the petition to me as the Reviewing Official. I am exercising my right to review the denial of confidential treatment in accordance with 14 CFR 385.54.

In order that I may have full information available before making a decision, interested persons are invited to file additional comments in this docket no later than April 2, 1990.

Dated at Washington, DC, March 14, 1990.

Travis P. Dungan,

Administrator.

[FR Doc. 90-6461 Filed 3-21-90; 8:45 am]

BILLING CODE 4910-60-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 56
Thursday, March 22, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, April 2, 1990, and at 8:00 a.m. on Tuesday, April 3, 1990, in Raleigh, North Carolina. The April 2 meeting, at which the Board will discuss possible strategies in collective bargaining negotiations, is closed to the public. (See 55 F.R. 9535, March 14, 1990). The April 3 meeting is open to the public and will be held in the Issac Hunter Towers, Room 4102, at the Postal Service National Information Systems Support Center, 4200 Old Wake Forest Road. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

Agenda

Monday Session

April 2—1:00 p.m. (Closed

1. Status Report on Preparations for Collective Bargaining. (David H. Charters, Senior Assistant Postmaster General, Human Resources Group, and Jospeh J. Mahon, Jr. Assistant Postmaster General, Labor Relations Department)

Tuedoy Session—NISSC, Isaac Hunter Towers, Room 4102

April 3—8:00 a.m. (Open)

1. Minutes of the Previous Meeting, March 5–6, 1990.
2. Remarks of the Postmaster General.
3. Officer Compensation. (Postmaster General Frank)
4. Capital Investments:
   a. Bar Coding Automation: (Peter A. Jacobson, Assistant Postmaster General, Engineering and Technical Support Department, and Comer S. Coppie, Senior Assistant Postmaster General, Finance Group)
   1. Wide Area Bar Code Readers.
   2. Delivery Bar Code Sorters.
   3. Remote Video Encoders.
   b. Eastern Region Headquarters Lease. (Stanley W. Smith, Assistant Postmaster General, Facilities Department)
   c. Crime Lab & Stamp Depository. (Mr. Smith)
5. Report on the Eastern Region. (Samuel Green, Jr., Regional Postmaster General)
6. Report on the Greensboro Division. (William J. Henderson, Field Division General Manager/Postmaster)
7. Tentative Agenda for May 7–8, 1990, meeting in Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 90–6659 Filed 3–20–90; 10:25 am]

BILLING CODE 7710-12-M

federal register

Thursday
March 22, 1990

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Anti-Drug Program for Personnel Engaged in Specified Aviation Activities; Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 25148; Amendment. No. 121-215]

RIN 2120-AC33

Anti-Drug Program for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; extension of compliance date.

SUMMARY: This announces an extension of the compliance date under the aviation industry drug testing rule for the submission of anti-drug programs by operators who are not required to hold an air carrier operating certificate or an air taxi/commercial operator operating certificate. Under this final rule, these operators will have an additional year to submit an anti-drug program to the FAA for approval. This rulemaking action is necessary to facilitate implementation of the final rule issued on November 14, 1988, that established drug testing requirements in aviation. It is intended to provide the FAA with sufficient time to conduct an orderly review of the scope of the final anti-drug rule by extending the otherwise imminent compliance deadline for these operators.

EFFECTIVE DATE: This final rule is effective on March 22, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Heidi Mayer, Office of Aviation Medicine, Drug Abatement Branch (AAM-220), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3413.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Inquiry Center (APA-230), 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Requests must include the amendment number identified in this final rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

The rulemaking process that led to promulgation of the final anti-drug regulations began in late 1986. On December 4, 1986, the FAA issued an advance notice of proposed rulemaking (ANPRM) (51 FR 44432; December 9, 1986). The ANPRM invited comment from interested persons on drug and alcohol abuse by personnel in the aviation industry. On March 3, 1988, the FAA issued a notice of proposed rulemaking (NPRM) (53 FR 8368; March 14, 1988) that analyzed the comments submitted on the ANPRM and set forth proposed regulations for comment by interested persons. The FAA received over 900 comments in response to the ANPRM and the NPRM. In addition, the FAA held three public hearings on the proposed regulations.

The FAA issued the final anti-drug rule requiring certain aviation employers and operators to develop and to implement an anti-drug program for employees performing specified aviation activities on November 14, 1988 (53 FR 47024; November 21, 1988). After the final rule was issued, the FAA became aware that the timeframes for employers' submission of their anti-drug programs for FAA approval was unrealistic. Consequently, the FAA amended the final rule to extend certain compliance dates and make other minor revisions (54 FR 15148; April 14, 1989). Similarly, the FAA later amended the final rule to delay the compliance date for drug testing of covered employees located outside the territory of the United States (54 FR 53283; December 26, 1989). More recently, the FAA amended the final rule to allow employers increased flexibility in the time of the periodic test specimen collection, as long as part 67 certificate holders are tested early in the implementation of the employer's anti-drug program (55 FR 3698; February 2, 1990).

As part of its responsibility to provide compliance guidance to the industry, the FAA has continued reviewing the scope of the rule and reasonableness of the implementation timeframes. As a result of this continuing review, the FAA has become aware of the need to reevaluate the inclusion of those aviation operators otherwise excluded from part 121 and part 135 requirements.

In addition to the FAA's internal review, representatives of aviation organizations and employers subject to the final rule expressed concern after rule issuance about inclusion of operators whose operations do not require that they hold a part 121 or part 135 operating certificate. These operations include student instruction, nonstop sightseeing flights conducted within a 25-mile radius of the airport of takeoff, ferry or training flights, aerial work operations, sightseeing flights in hot air balloons, nonstop flights within a 25-mile radius of the airport of takeoff for parachute jumps, helicopter flights conducted within a 25-mile radius of the airport, rotorcraft operations under FAR part 133, and Federal election campaign flights conducted under FAR § 91.59. Traditionally, with regard to aviation safety issues, the FAA regulatory scheme has distinguished such operations from commercial air transportation operations under parts 121 and 135. This experience-based demarcation is so comprehensive that these operators are excluded from all part 135 requirements, with the sole exception of the drug testing program requirement.

Industry input includes letters submitted by the Aircraft Owners and Pilots Association (AOPA) and the Air Safety Foundation (ASF), copies of which are available for review by interested persons in Docket No. 25148. AOPA suggests that the FAA reassess the reach of the final rule and eliminate or modify its inclusion of those who are not part 121 or part 135 certificate holders, and who do not engage in providing compensated air transportation of passengers. Comments submitted by ASF echo those of AOPA, and both specifically mention elimination of flight instructors from inclusion in the drug testing rule.

Additionally, since the final rule was promulgated, the FAA has received several petitions for exemption from the requirements of the anti-drug rule submitted by, or on behalf of, operators as defined under § 135.1(c). To date, no exemptions have been granted since the petitioners have not demonstrated that they were uniquely burdened by the rule.

While the issue of the overall scope of the rule was addressed generally by commenters in the prior rulemaking action, the process of actually developing an anti-drug program has increased agency and industry awareness of the need to explore more fully the scope of the final rule and consequent implementation issues. The amendment contained in this final rule addresses inclusion of operators who do not hold a part 121 or part 135 certificate by providing an additional year for these operators to submit an anti-drug program to the FAA. During the extension period, the FAA will evaluate whether further rulemaking is warranted to remove these operators from the rule

or to tailor application of the rule to the nature of the operations they conduct. Any subsequent rulemaking would provide an opportunity for public comment.

Discussion of the Amendment

The section of the anti-drug rule that addresses the issue of employers whose operations do not require either part 121 or part 135 certificates is amended by this final rule. In the anti-drug rule published on November 21, 1988, the applicability section of 14 CFR part 135 was amended so that employers and operators, who are otherwise excluded from the requirements of part 135 generally, were included solely for the purposes of the final anti-drug rule. These operators conduct operations distinguishable from the commercial air transportation sector. While the FAA remains committed to and continues to work toward a drug-free aviation industry, the FAA has determined that the inclusion of these operations under the anti-drug rule warrants further consideration. The FAA believes that extending the compliance dates under the anti-drug rule for operators engaging in operations defined under § 135.1(c) will have no significant impact on aviation safety.

Reason for No Notice and Immediate Adoption

This amendment to the final anti-drug rule is needed immediately to extend the otherwise imminent compliance date specified in the final rule. The delay of the date by which these operators must submit an anti-drug program is to relieve a burden on these operators pending further evaluation and possible rulemaking on the scope of the anti-drug rule. For this reason, notice and public comment procedures are impracticable, unnecessary, and contrary to public interest. As currently provided in the anti-drug rule, the compliance date to submit an anti-drug program for these operators falls within 30 days after publication of this final rule. To avoid placing these operators in technical noncompliance with the anti-drug rule, the FAA has determined that good cause exists to make this final rule effective in less than 30 days.

Economic Assessment

In accordance with the requirements of Executive Order 12291, the FAA reviewed the costs and benefits of the final anti-drug rule issued on November 14, 1988. At that time, the FAA prepared a comprehensive Regulatory Impact Analysis of the final anti-drug rule. The FAA also summarized and analyzed the comments submitted by interested persons on the economic issues in the final rulemaking document published in the **Federal Register** on November 21, 1988.

This amendment extends the compliance deadline for operators who do not hold a part 121 or part 135 certificate. This action will result in a modest reduction in the cost of the final rule which is equal to the cost for those operators to comply with the rule over the initial year. Due to the sparse historical record of accidents caused by drug abuse, it is difficult to accurately estimate the marginal loss of benefits that will accrue based on extending the deadline for a few peripheral operators. The FAA believes, however, that any potential reduction in benefits as a result of this amendment will be minimal, and therefore has determined that a revision of the comprehensive Regulaory Impact Analysis for the amendment is not necessary and the preparation of a separate economic analysis for this amendment is not warranted.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 requires a Federal agency to review any final rule to assess its impact on small business. The amendment contained in this final rule merely extends by 1 year the compliance deadline for certain operators. In consideration of the nature of this amendment, the FAA has determined that the final rule will not have a significant economic impact, positive or negative, on a substantial number of small businesses.

Paperwork Reduction Act Approval

The recordkeeping and reporting requirements of the final anti-drug rule, issued on November 14, 1988, were previously submitted to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1980. The OMB approval is under control number 2120–0535. Because this final rule does not amend the recordkeeping and reporting requirements, it is not necessary to amend the prior approval received from OMB.

Federalism Implications

The final rule adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, the FAA has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Conclusion

This final rule extends the compliance deadline for operators who do not hold a part 121 or part 135 certificate. Implementation of the anti-drug rule by these operators was addressed in the prior rulemaking actions that led to promulgation of the final anti-drug rule. This rulemaking action is necessary to facilitate implementation of the final rule issued on November 14, 1988, and is intended to permit an orderly review of the scope of the final rule. It is also intended to improve administration of the final anti-drug rule.

Pursuant to the terms of the Regulatory Flexibility Act of 1980, the FAA certifies that the final rule will not have a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the final rule will not result in an annual effect on the economy of $100 million or more and will not result in a significant increase in consumer prices; thus, the final rule is not a major rule pursuant to the criteria of Executive Order 12291. However, because the rule involves issues of substantial interest to the public, the FAA has determined that the final rule is significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 2, 1979).

List of Subjects in 14 CFR Part 121

Air carriers, Air transportation, Aircraft, Aircraft pilots, Airmen, Airplanes, Aviation safety, Drug abuse, Drugs, Narcotics, Pilots, Safety, Transportation.

The Amendments

Accordingly, the FAA amends part 121 of the Federal Aviation Regulations (14 CFR part 121) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 is amended to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983).

Appendix I to Part 121 [Amended]

2. By revising Paragraph A(4) of section IX of appendix I to part 121 to read as follows:

* * * * *

A. * * *

(4)a. Each employer who holds a part 135 certificate and employs 10 or fewer employees who perform a function listed in section III of this appendix and each air traffic control facility not operated by, or under contract with, the FAA or the U.S. military, shall submit an anti-drug program to the FAA (specifying the procedures for all testing required by this appendix) not later than 480 days after December 21, 1988. Each employer shall implement its anti-drug program for its direct employees not later than 60 days after approval of the anti-drug program by the FAA. Each employer shall implement its approved anti-drug program for its contractor employees not later than 360 days after initial implementation of the employer's approved anti-drug program for its direct employees.

b. Each operator is defined in § 135.1(c) of this chapter shall submit an anti-drug program to the FAA (specifying the procedures for all testing required by this appendix) not later than 840 days after December 21, 1988. Each operator shall implement its anti-drug program for its direct employees not later than 60 days after approval of the anti-drug program by the FAA. Each operator shall implement its approved anti-drug program for its contractor employees not later than 360 days after initial implementation of the operator's approved anti-drug program for its direct employees.

* * * * *

Issued in Washington, DC, on March 15, 1990.

James B. Busey,

[FR Doc. 90-6472 Filed 3-16-90; 3:52 pm]

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federal register

Thursday
March 22, 1990

Part III

The President

Legislative Calendar

Federal Register
Vol. 55, No. 56
Thursday, March 22, 1990

Presidential Documents

Title 3—

The President

Proclamation 6109 of March 20, 1990

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 1990

By the President of the United States of America

A Proclamation

On March 25, 169 years ago, Greece won its independence as a modern state. Each year, the United States is proud to join with our ally in commemoration of this historic date. In so doing, we also celebrate the commitment to freedom and democratic government we share today.

While American friends of Greece supported its struggle for independence, and while generations of Greek immigrants have helped to strengthen and enrich the relationship between our two countries, our mutual devotion to democratic ideals is rooted far deeper in history. Some 2,500 years ago, Ancient Greek city-states helped to plant the seeds of democratic thought among men. Indeed, the experience of the Greek *poleis* and the ideas of their great philosophers were a rich source of insight and inspiration for our Nation's Founders as they shaped a system of government for the United States. Thomas Jefferson expressed his gratitude for the illumination provided by the Ancient Greeks when he praised "the splendid constellation of sages and heroes . . . whose merits are still resting, as a heavy debt, on the shoulders of the living and the future races of men."

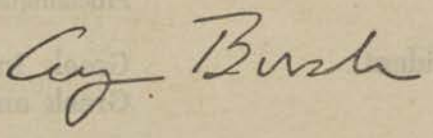
Recent events around the world have clearly demonstrated the timeless appeal of democratic ideals. Today we take pride in knowing that the resolve and unity of purpose shown by the United States, Greece, and other members of the NATO Alliance have inspired those struggling for the right to freedom and self-government. The triumphant flowering of democratic principles around the world is a tribute to the strength of our Alliance and to the determination and foresight of our ancestors.

As we join with the people of Greece in celebrating their National Day, we recall the sense of fellowship and gratitude conveyed by Thomas Jefferson when he wrote to the Greek patriot and educator, Adamantios Koraës: "Possessing ourselves the combined blessings of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be."

Recognizing the 169th Anniversary of Greek Independence and reaffirming the democratic values we share, the Congress, by Senate Joint Resolution 243, has designated March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 25, 1990, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I urge all Americans to join in appropriate ceremonies and activities to salute the Greek people and Greek Independence.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 90-6735
Filed 3-20-90; 4:56 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of Mar. 20 on signing Proclamation 6109, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 12).

Presidential Documents

Proclamation 6110 of March 20, 1990

National Agriculture Day, 1990

By the President of the United States of America

A Proclamation

When our ancestors came to America more than 3 centuries ago, they discovered a land of unparalleled beauty and plenty. Cultivating this rich, fertile soil, they built new lives for themselves—and set down the first roots of a free, strong, and prosperous nation.

The abundance of agricultural goods we enjoy has been vital to our well-being both as individuals and as a people. Free from the dire hunger that has tragically limited the development of some countries, we have been blessed with the ability to produce a wealth of other goods and services. This productivity and prosperity would not be possible without the contributions of our farmers.

The American farmer is the most enterprising, capable, and efficient in the world. Nowhere else does such a small percentage of a nation's population feed so many and so well. Farmers not only provide us with food and fiber, but also play a leading role in protecting our environment. Through the use of innovative soil and water conservation techniques, for example, they are helping to safeguard America's land, lakes, and rivers for future generations. With the aid of authorities in biotechnology, farmers are also helping to develop alternative uses for farm products, such as ethanol and other new fuels and fuel additives.

The success of American agriculture is enjoyed by millions of people around the country and around the globe. Today farmers, ranchers, scientists, merchants, and government officials are working together to produce food and fiber for this Nation and for much of the rest of the world as well.

As they have done for generations, American farmers have prevailed against adversity, meeting every new and familiar challenge with the faith, fortitude, and ingenuity that have always been their hallmark. Last year, net farm income reached a record level. The value of U.S. agricultural exports has increased for a third consecutive year. Because we are committed to ensuring that this trend continues, we are determined to promote the market-oriented farm policies that give producers greater flexibility. We also remain committed to promoting the industry and commerce that enable our farmers to reach and to compete effectively in markets at home and abroad.

Agriculture is one of the pillars upon which our strength and prosperity as a Nation rest. This is worth remembering each day, and especially on National Agriculture Day. Today, we give thanks not only for the bountiful harvests that bring our daily bread, but also for the courageous and industrious men and women who reap them.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 20, 1990, as National Agriculture Day. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.

George Bush

[FR Doc. 90-6769
Filed 3-21-90; 11:58 am]
Billing code 3195-01-M

Editorial note: For the President's remarks of Mar. 20 on signing Proclamation 6110, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 12).

Reader Aids

Federal Register

Vol. 55, No. 56

Thursday, March 22, 1990

INFORMATION AND ASSISTANCE

FEDERAL REGISTER PAGES AND DATES, MARCH

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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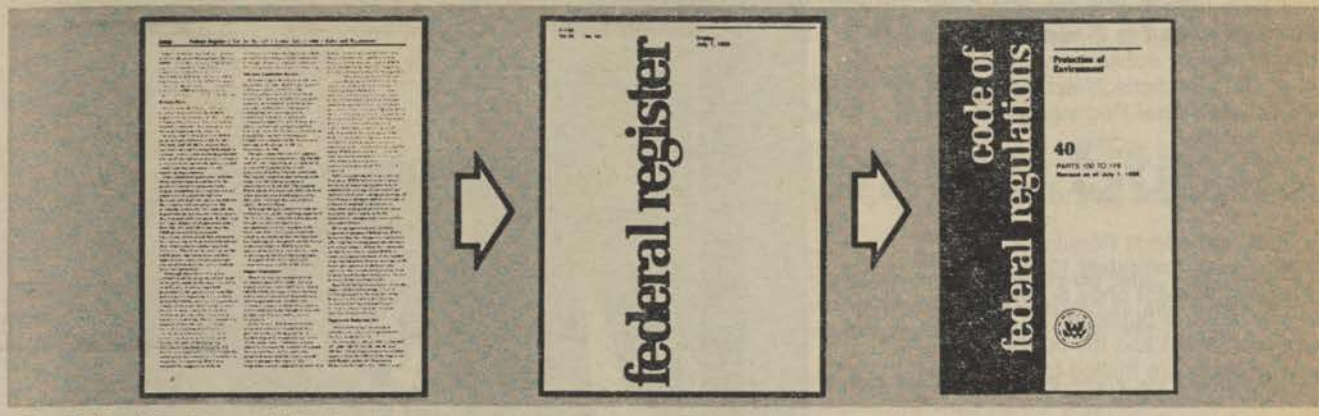

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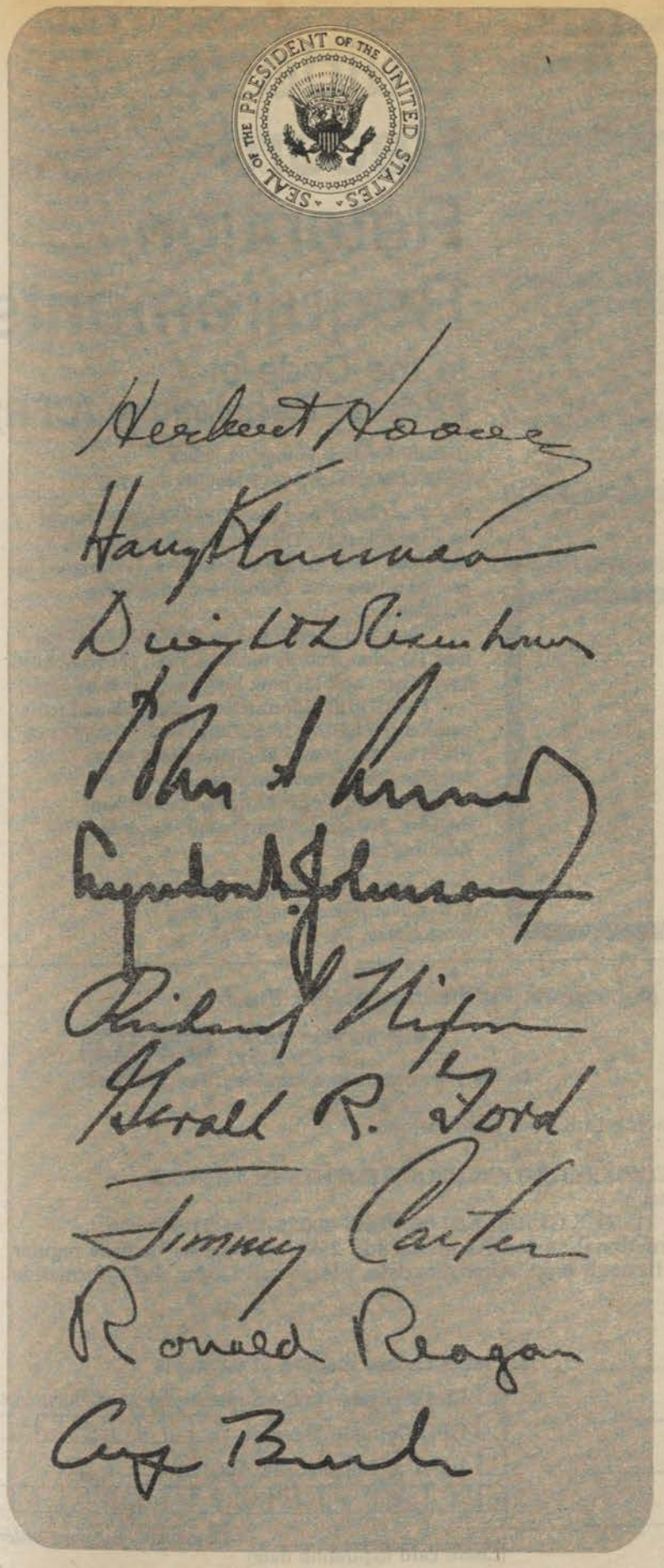

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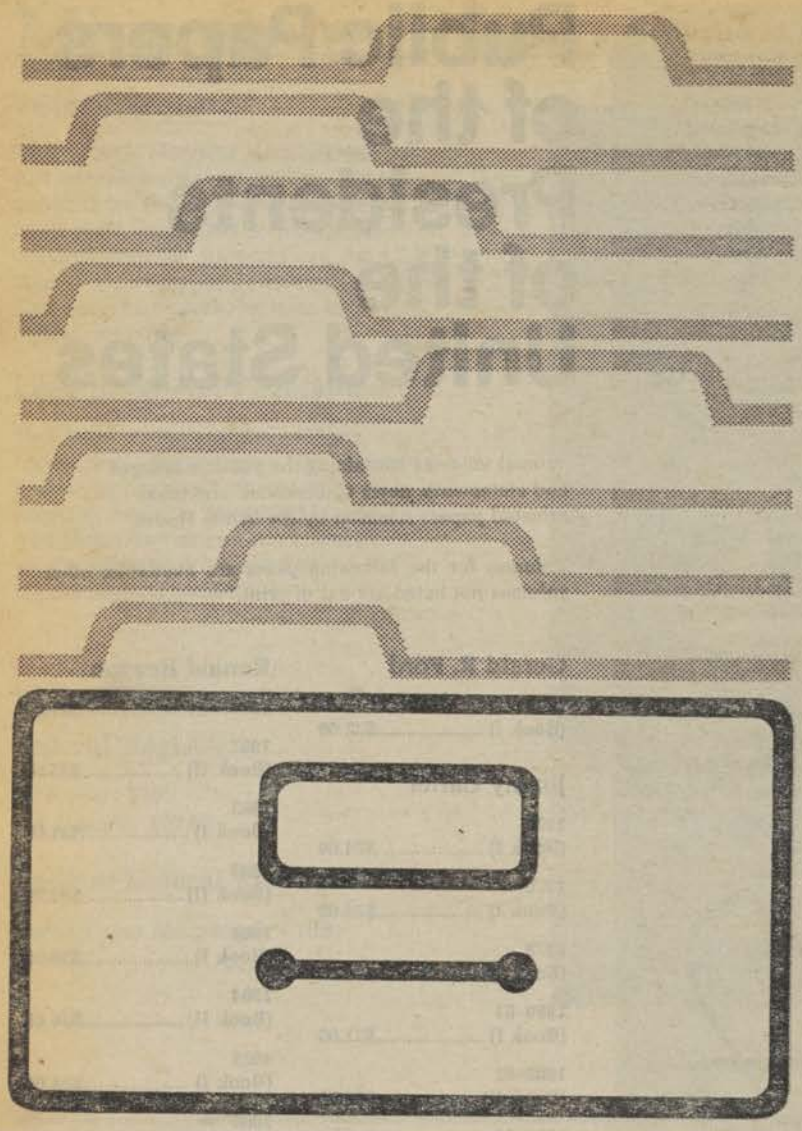

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in the Code of Federal Regulations (CFR)

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